

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD AT SPS COLLEGE, POLMONT ON WEDNESDAY 30 MARCH

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
Prof Kay Hampton, Non-Executive Director
Ian Harley, RMAC Chair and Non-Executive Director (Attended Virtually)
Caroline Johnston, Interim Director of Corporate Services, SPS
Sharon Lawson, Executive Personal Assistant/Chief Executive (Minutes) (Attended Virtually)
Gerry O'Donnell, Interim Finance Director, SPS
Gill Stillie, Non-Executive Director

Introduction and Welcome

1. The Chair welcomed all present to the meeting, noting that it was 2 years since the Advisory Board had physically last met. On both her own and colleagues' behalf, she proffered congratulations to Mrs Medhurst on her recent substantive appointment as Chief Executive.
2. The Chair thanked colleagues for their participation in a series of one-to-one calls with her which had given her a rich and candid perspective; it was her intention to hold these annually. She also thanked those colleagues involved in arranging and facilitating the NEDs' induction sessions and prison visits.
3. Ms McKechin had spoken with both Keith Brown MSP, the Cabinet Secretary for Justice and Veterans, and Wendy Sinclair-Gieben, HM Chief Inspector of Prisons (HMCIP), and advised that both were willing to meet with the Advisory Board in due course.
4. The Chair and Chief Executive had agreed that the September Advisory Board meeting would be used for a Development Session with external facilitation and, would review the new 5 year Development Strategy.
5. Ms McKechin thanked Mr Harley for their discussion in respect of the revised RMAC Terms of Reference and SPS Framework Document and advised that they had agreed to postpone these reviews until the latter half of 2022.
6. Colleagues were reminded that an Advisory Board SharePoint site existed which contained all papers pertaining to both past and present Advisory Board meetings.

Apologies for Absence

7. Apologies for absence were received from Sarah Angus, Allister Purdie, Rob Strachan and Stephen Uphill.

Declarations of Interest

8. There were no new declarations of interest.

Draft Minutes of the Advisory Board Meeting Held on 26 January, Action Points and Matters Arising

9. The draft minutes of the meeting held on 26 January were agreed as a true record. An Action Tracker had now been created to replace the previously circulated Action Points and the outstanding actions arising from that meeting were discussed and completed during the course of the discussion.

Chief Executive's Update

10. Mrs Medhurst provided an update on the following points:
 - SPS' main focus continues to be on the Spending Review and work continues in the Scottish Government (SG) on the Resource Spending Review.
 - In November 2019, the then Cabinet Secretary for Justice, Humza Yousaf MSP, asked Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland, Judith Robertson, Chair of the Scottish Human Rights Commission, and Prof Nancy Loucks, Chief Executive of Families Outside, to carry out a review on the response to deaths in prison custody. 'The Independent Review of the Response to Deaths in Prison' was published on 30 November 2021. The Cabinet Secretary for Justice and Veterans had chaired a Roundtable meeting in February with the Review Chair and Co-Chairs, representatives from the Crown Office and Procurator Fiscal Service (COPFS), SPS, Scottish Government (SG), National Prison Care Network (NPCN) and the Family Advisory Group. This had been a very productive meeting and Mrs Medhurst had provided some early indications of progress being made within SPS. Mrs Medhurst had thereafter met with Prof Loucks in respect of the importance of engagement of families and had commissioned a piece of work in this respect.
 - Work continues on SPS' population contingency arrangements.
 - Mrs Medhurst had recently attended the Criminal Justice Committee on SPS' COVID arrangements and had had follow-up meetings with both Pauline McNeill MSP and Russell Findlay MSP, whose main focus was on the return of HMP Kilmarnock to the public sector.
 - Mrs Johnston, Mr Purdie and their respective teams have been involved in a senior leadership promotion exercise which has successfully filled all existing vacancies.
 - Members were reminded that a Governance Workshop would be held on 27 April at SPSC to consider changes to the format of future Advisory Board meetings. It was intended to invite Governors to present at future meetings, in particular on the Women's Strategy, HMPs Glasgow and Highland. Mrs Medhurst invited members to suggest other topics for consideration if they wished.
 - Jim Kerr, previously Director of Operations, would return to SPS on 4 April following a 2 year secondment to SG. Mrs Medhurst advised that he would not assume a substantive role meantime as work on the senior management structure had yet to complete before recruitment into permanent posts commenced. The SPS Leadership Strategy was discussed and agreed at the Executive Management Group (EMG) on 29 March and will launch shortly.
11. Colleagues thanked Mrs Medhurst for her informative and helpful update.

Operational Update

12. In Mr Purdie's absence, the Chief Executive advised that:
 - There were 7,479 people in SPS' care on 25 March.
 - There were 48 significant incidents reported during the 2 months from 20 January-23 March.
 - There were a total of 5 deaths in custody reported within the reporting period - 3 as a result of apparent natural causes and 2 reported as apparent suicide.

13. The Chair suggested that it would be helpful for NED colleagues to have a graphic representation of prisoner numbers to allow the Advisory Board to identify trends and Mr Purdie was asked to include the daily population reports which are provided to Directors into future updates.

Action: Mr Purdie

Scottish Court Custody and Prisoner Escort Services (SCCPES)

14. The contractor continues to under-perform against minimum acceptable thresholds. Staff retention and recruitment has been an issue since April 2021, however staffing levels have improved in recent months and the overall level of service failure has slightly decreased since the beginning of the year. However, further improvements are required to gain a level of acceptable performance for the Multi-Agency Liaison Group (MALG) partners.

15. A Contractual Performance Improvement Notice (PIN) in relation to failure to deliver non-court appointments, specifically hospital appointments, was issued and by mid-January, the Contract Management Unit (CMU) were tracking much improved performance of this service requirement, which continues.

16. Mrs Stillie asked if there was an alternative model for the contract in the event that SPS had to re-tender for the service. Mrs Medhurst advised that the new model which had been put in place by the contractor to separate hospital and court escorts, with separate teams for each, had resolved the immediate issues, though agreed that the contract position is not as it should be and requires further improvement. The CMU, however, continue to monitor the situation.

HMP Addiewell

17. HMP Addiewell continues to experience staffing issues in relation to COVID-19, staff attrition and recruitment. Overall, the staffing position appears to be improving, however, this increased turnover remains a risk with an increased proportion of inexperienced staff.

18. Following the issues highlighted in relation to operational stability and delivery of service, SPS colleagues visited the establishment to provide assurance for the organisation, and a development and improvement plan was agreed and implemented by Sodexo. Having recently re-visited, SPS colleagues provided the Director with an improved position in this respect.

HMP Kilmarnock

19. The CMU is currently working with both the contractor (KPSL) and sub-contractor (Serco) on a number of legacy issues. These appear to be progressing, with all partners agreeing that a Notification of Change (NOC) amendment concluding all outstanding matters will soon be formalised and concluded.

20. In October 2021, confirmation that the transfer of assets for HMP Kilmarnock to the public sector was announced and following a recent Dilapidation Survey, the surveyor's report has now been received. The CMU are liaising with SPS Estates colleagues on the information contained within that report and any actions which may subsequently be required to ensure contractual compliance at the expiration of the contract in March 2024.

21. Members of the Advisory Board discussed the recent call by HMCIPS on the Scottish Government to end the imprisonment of children under the age of 18 years and the implications of such a move for SPS. Mrs Brookes advised that the small number of children currently held in prison very often had complex multiple needs and any alternative provision would need to be sourced and appropriately resourced against a backdrop of increased demand for secure accommodation.

22. The Advisory Board thanked Mr Purdie and the Chief Executive for this update.

Items for Advice

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

Items for Monitoring

AB(MAR)01/22: Financial Update/Budget Monitoring and Discussion on Budget Setting

24. This paper provided an update on the 2021-22 budget and financial position as at 28 February and was noted by members. Mr O'Donnell also gave a presentation on the Resource Budget available for 2022-23 and explained the financial challenges which SPS faced going forward. Mrs Medhurst advised that the figures contained within the presentation were sensitive and asked that they were not shared further at this time.

25. There followed a discussion around the cost increases in relation to the private sector contracts and the Chief Executive advised that there have been a number of discussions in this respect but it was not an easy issue to resolve.

26. Ms Clow advised that the approach Mr O'Donnell was taking in respect of allocating people cost to capital projects was a well established practice in the private sector. She suggested that in terms of the pay budgets, SPS should also consider what is happening across the other areas of public sector pay to ensure all information is available.

27. Members thanked Mr O'Donnell for the clear and comprehensive report, with all agreeing that it did not provide a positive outlook. The Chief Executive advised that a submission would be drafted for the Director General on the budget pressures being faced by SPS, but it was unlikely to receive a positive outcome at the start of the new financial year.

AB(MAR)08/22: Improvement Framework Report Quarter 3 2021-22 (October-December 2021)

28. This report provided an update on organisational performance and risk as at the end of Quarter 3 and was noted by members.

29. The Chair asked that discussion on the Youth Advisory Board self-evaluation model mentioned within Appendix 3 of the paper return to the Advisory Board in November. Mrs Brookes also advised that the issue of gender identity was very complex and suggested that a briefing on this subject also be provided at that meeting.

Action: Mrs Brookes

30. The Chair reiterated the previous Chair's request that the use of all acronyms and abbreviations within papers be fully explained on their first use.

Action: Directors

Items for Noting

AB(MAR)04/22: Estates Development Programme

31. This paper summarised the progress of the Estates Major Infrastructure Works and Maintenance Works since September 2021 and had been circulated previously for information.

AB(MAR)07/22: Major Projects Management Group (MPMG)

32. This paper provided the Advisory Board with an update on the portfolio of projects managed through the MPMG which began to meet in August 2021 and the Portfolio Management Office (PMO). The Project Manager, Barrie Copeland, reports directly to the Chief Executive.

33. Major projects are those which meet the Scottish Public Finance Manual definition of a major investment, are required to be supported by the Scottish Government Independent Assurance Review process, will incur a one-off project cost in excess of £2m (ex VAT), will bring an on-going cost to SPS exceeding £1m per annum, or is assessed by MPMG as high risk for SPS.

34. Project updates on HMPs Barlinnie, Glasgow, Highland and Kilmarnock, the Women's Strategy, Prisoner Telephone Cabling, Case Management Platform and the Digital Transformation Project were provided within the paper.

35. The primary risk within the portfolio is the impact of the current economic conditions on the construction industry. Delays in a number of projects have caused misalignment between the capital budgets allocated in the Capital Spending Review (in early 2021) across the remaining 4 financial years in the period, with an excess of capital funding in comparison to requirements for major projects in the first 2 years, and a substantial shortfall in the final 2 years. To reduce the impact of these delays, it will be necessary to focus on projects which can deliver in the next 2 financial years to both utilise the available funding and minimise additional demands on capital funds in the subsequent 2 years.

36. Colleagues asked why the creation and implementation of HMP Highland, and the transition of HMP Kilmarnock to public sector ownership and management were being combined, but were re-assured by Mrs Johnston that they were in fact being managed as 2 separate projects.

37. Members noted the current status of the major projects in SPS and thanked Mr Copeland for his informative paper.

AB(MAR)05/22: People Survey Analysis 2021

38. Since 2010, SPS has participated in the annual Civil Service People Survey, which takes place in 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. This paper provided analysis of the 2021 People Survey results and had previously been considered by the EMG at their meeting on 8 March where they asked that a separate discussion with senior leaders be held to address the results in respect of bullying and harassment.

39. The overall employee engagement level, as measured by the People Survey, has decreased but remains the second highest level in the last 5 years. The reductions are spread across a number of the themes, but particularly Leadership and Change. There are areas within the survey which remain well behind the Civil Service benchmark, particularly in key areas which have a strong correlation with emotional attachment to our work.

40. Members were concerned with the results and asked if there was any link between these and managers' performance, ie are the results connected to areas of staff treatment, welfare or performance for instance. Mrs Johnston advised that it would be difficult to source this information without undertaking manual checks which would take some time.

41. Ms Clow asked whether the poor results under bullying and harassment indicated other underlying problems and this was a way to ensure attention was paid to the results. She stated that any work undertaken on understanding the issues had to be impartial to ensure that colleagues could get to the bottom of it.

42. Mrs Stillie stated that whilst the results were not entirely new as they had previously been challenging, she was surprised by them as colleagues had worked more closely together during the pandemic. Ms McKechin also commented that in terms of HQ where more people are office based, the results were markedly poorer, particularly in relation to mental health, than in previous year's as more people work from home over prolonged periods.

43. Mr Harley recognised that the pandemic has been a tough period for everyone in SPS, more so than for those in the Civil Service, but was concerned that without a fully engaged workforce, SPS' ambitions

would not be achieved. He asked how SPS would gain more participation to improve the results, and how hard SPS pushes senior and middle managers to take demonstrable action around the results.

44. Mrs Medhurst welcomed the views of members in relation to their experiences with other organisations and asked if colleagues were aware of any approaches that had been deployed that were helpful for others. Prof Hampton and Mrs Stillie both advised that they had undertaken some work on this in the past with other organisations and were happy to discuss outwith this meeting with Mrs Johnston. Whilst all agreed that it was not helpful to compare SPS' results against the Civil Service results, there was a need to benchmark SPS' results against other comparable organisations. She agreed that the results contained some stark figures which gave her cause for concern and it was intended to hold workshops with senior leaders to re-instate SPS' values, behaviours etc.

Action: Mrs Johnston/Mrs Stillie/Prof Hampton

45. Mrs Johnston was asked to return to the Advisory Board on this subject in May. Members were keen to understand the scale of the challenge and looked forward to the further discussion.

Action: Mrs Johnston/Ms Lawson

AB(MAR)06/22: Deaths in Custody Summary 2021 - Interim

46. This paper provided members with a summary overview of the interim report into deaths in custody in 2021.

47. There were 53 deaths recorded in custody between 1 January-31 December 2021; an increase of 56% in 2021 compared to those occurring in 2020. There was a notable increase in all deaths in 2021 compared to 2020, with the exception of natural cause deaths where there was a 50% decrease.

48. Members agreed that this was a comprehensive and considered report. There then followed a discussion on the information and discussion members wanted to receive on this subject and Mrs Stillie suggested that she saw no need for frequent reporting to the Advisory Board, but did think that discussion and focus on standardisation of practice across all establishments, and the planned review of Management of Risk due to Substances (MoRS) and Talk to Me policies would be helpful, together with a presentation surrounding SPS' overarching response to the Independent Review of Deaths in Prison Custody.

Action: Mrs Brookes

49. The Chair agreed that frequent reporting on deaths in custody was no longer required, though stated that it would be helpful to have a short summary paper for the Advisory Board each quarter, in line with Performance Monitoring reporting.

Action: Mrs Brookes

RMAC Chair's Verbal Report (including AB(MAR)03/22: SPS Annual Audit and Assurance Plan) and RMAC Minutes

50. Mr Harley advised that:

- His first meeting as Chair had gone reasonably well. A discussion on the top 3 risks for SPS had been undertaken and prior to the next meeting, guidance will be completed and circulated asking that each Directorate's risks be reviewed. Thereafter, it is proposed to discuss the Risk Register and elements within that at subsequent RMAC meetings.
- Audit Scotland routinely rotate their external auditors and SPS has been notified that the auditors will change shortly.
- Within the past year, SPS' Internal Audit function has been working on an interim basis to progress towards a shared service provided by SG Audit; this will commence on 1 April. The SG team look at thematic topics, whilst SPS' Operational Audit Team look at specific categories of risk within HQ and establishments, ie security, HDC. Mr Harley had asked that a

member of the SPS team attend future RMAC meetings to allow members to gain an insight into their work.

- As previously mentioned, it had been agreed that the review of RMAC Terms of Reference will be deferred until later in the year.
- Ms Clow had accepted the invitation to join RMAC in her NED role.

51. The Advisory Board thanked Mr Harley for his helpful update and looked forward to receiving his next report.

Horizon Scan

52. In his absence, members thanked Mr Strachan for this update.

Any Other Business

Scottish Child Abuse Inquiry (SCAI)

53. The Inquiry was currently considering the evidence submitted by SPS. In the meantime, colleagues were seeking sources of information in order to prepare submissions adequately and provide material in an appropriate format to the Inquiry.

Butler Trust Awards

54. The Chief Executive had attended the Butler Trusts awards ceremony in Oxford recently and advised that the overall award for excellence was given by the Princess Royal to Shona Pate, HMP Edinburgh Visitors' Centre, for her outreach work with families during the pandemic.

Permanent Secretary Visit to HMP Perth

55. The Permanent Secretary, accompanied by Joe Griffin, Director General (Learning and Justice) (DGLJ), had undertaken a very positive visit to HMP Perth last week as part of his first 100 days in office.

Draft Agenda for May Meeting

56. The draft agenda for the May Advisory Board meeting was agreed with the inclusion of the Advisory Board Development Plan and People Survey Analysis.

57. The new Head of Communications joins SPS on 16 May and it was hoped that he would attend the next meeting.

Date of Next Meeting

58. The next Advisory Board meeting will be held on Wednesday 25 May from 1300-1630hrs; the location and meeting platform to be confirmed in due course.

Action: Ms Lawson

**Advisory Board Secretariat
March 2022**