

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD VIRTUALLY ON WEDNESDAY 31 MARCH 2021

Present: Brigadier Hugh Monro, Non-Executive Director and Advisory Board Chair
 Teresa Medhurst, Interim Chief Executive, SPS
 Melanie Allan, Head of Financial Policy and Services, SPS
 Sarah Angus, Branch Head (Office of the Chief Executive), SPS
 Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS
 Prof Kay Hampton, Non-Executive Director
 Sharon Lawson, Executive Personal Assistant/Chief Executive, SPS (Minutes)
 Ali Purdie, Interim Director of Operations, SPS
 Rob Molan, Non-Executive Director
 Gavin Scott, Risk Monitoring and Audit Committee (RMAC) Chair
 Gill Stillie, Non-Executive Director

In Attendance: Andy Macdonald, Head of Corporate Planning and Performance, SPS (for papers AB(MAR)04/21 and AB(MAR)05/21 only)

Introduction and Welcome

1. The Chair welcomed all to the meeting and gave thanks to Mrs Medhurst for continuing to provide leadership during this difficult time.

Apologies for Absence

2. Apologies for absence were received from Caroline Johnston, Interim Director of Corporate Services, due to annual leave.

Declarations of Interest

3. There were no new declarations of interest.

Draft Minutes of the Advisory Board Meeting Held on 20 January, Action Points and Matters Arising

4. The minutes of the meeting held on 20 January were agreed as a true record, and the actions arising from that meeting were complete. Prof Hampton was asked to re-send her self-appraisal form to Ms Angus as it had not yet been received.

Action: Prof Hampton

Operational Update

5. Mr Purdie advised members of significant figures, including:
- The number of individuals in SPS' care was 7,368 as at 26 March (including 291 women and 198 young people). Population had remained stable, though there was continuing concern around the remand population and those awaiting sentence.
 - There were 8 deaths in custody - 6 reported as a result of apparent natural causes and 2 as a result of apparent suicide. The NEDs noted that there were no drug-related deaths recorded over this period.
 - There had been 48 significant incidents reported across the estate during the 2 month period to 21 January-26 March.

- There had been one abscond from the Open Estate who has since been re-arrested and returned to HMP Low Moss.

6. The NEDs asked about some recent press articles and were provided with the background in relation to these articles.

7. The Advisory Board noted and thanked Mr Purdie for his helpful update and asked that their thanks be passed to all staff for their continued hard work in difficult circumstances.

Items for Advice

AB(MAR)01/21: SPS Advisory Board: Self-Appraisal and Development Plan

8. This paper provided the Advisory Board with an analysis of the self-appraisal exercise and has informed a proposed Development Plan for the next 24 months.

9. The past year has presented unprecedented operational challenges within SPS due to the COVID-19 pandemic. Since the initial lockdown was announced by the Scottish Government in March 2020, SPS and its partners have been continuously responsive and made necessary changes to ensure the wellbeing of those in its care and its staff group. During this period, there have been increased monthly updates to the Advisory Board and working arrangements have significantly changed with the use of virtual platforms and SPS laptops. Corporate objectives have been progressed, with positive progress made in a number of areas, however, the speed of delivery in progressing different pieces of policy work has been impacted in some instances.

10. The self-appraisal was issued to members in November 2020 outlining the process. An anonymous summary of responses to each of the 4 categories contained in the self-appraisal form highlights where the majority of respondents answered 'needs development' in relation to a performance indicator. A Development Plan is proposed for the next 24 months informed by these areas. By collectively agreeing the proposed Development Plan, the AB is directly contributing towards the achievement of the corporate deliverables around governance, audit, assurance and continuous improvement.

11. There followed a discussion around the responses received and the overall usefulness of the exercise, and NED members questioned why Director colleagues had not also been asked to participate as there was a need to bring different diverse views together. There were a number of areas where members would like to see development, both in a professional and personal capacity, and Ms Angus stated that she would appreciate any further comments members wished to offer on how to develop the plan. In particular, colleagues were asked to provide examples of where engagement had worked well.

Action: NEDs/Ms Angus

12. Moving on, opinion was that the recent presentation to NEDs by Mr Ironside on the Digital Strategy had been very helpful and NED colleagues they felt it would be beneficial for them to receive more presentations on high level topics, in particular, policy areas which required a 'deep dive'. There was also an appetite from the NEDs going forward to become more involved at an early stage in planning and strategy, either as a group or individually.

Action: Directors

Items for Monitoring

AB(MAR)02/21: Budget Setting 2021-22

13. This paper provided an update on the budget setting process for 2021-22. The SG formally announced the 2021-22 Budget Bill on 28 January.

14. Budget packs have been re-submitted to FP&S and a budget summary was presented to the Chief Executive on 22 March. The summary position provided details of the requested baseline budget, details of any fixed-term funding requests and estimated COVID-19 costs. In addition, the Chief Executive was

presented with an estimated 2021-22 forecast position in order to demonstrate where potential spends/underspends could materialise based on past trends. This included making a number of assumptions and estimates in relation to ex-gratia costs, significant pay underspends, an estimate of recruitment into vacant HQ posts, establishment workforce plans and potential service credits for private prisons. It is anticipated that approved baselines will be confirmed and allocated to Directorates by the end of March. The pay baseline has not yet been approved and will not be given final approval until mid/end April.

AB(MAR)03/21: Financial Update/Budget Monitoring

15. This paper provided an update on the 2020-21 budget and financial position.
16. A COVID-19 project code has been set up in order to record all COVID-19 related expenditure separately for monitoring and reporting purposes. No budget has been allocated for COVID-19 specific costs.
17. Mr Scott was disappointed to note a further Revenue budget underspend and asked that all necessary steps were taken to rectify this situation for the new financial year.
18. Members thanked Mrs Allan for her helpful and informative papers which had generated a good discussion.

[Mr Macdonald joined the meeting at this point for discussion of the following 2 papers and was welcomed by the Advisory Board.]

Items for Noting

AB(MAR)04/21: Performance Monitoring - Quarter 3 2020-21

19. This report provided the Advisory Board with an update on organisational performance at the end of Quarter 3 (Q3) and was developed in the context of the COVID-19 pandemic which began to impact upon the organisation at the end of 2019-20 planning year. Consistent with the reports for Qs 1 and 2, this paper presented a high level summary of service delivery within Q3, rather than an in-depth analysis of performance, and members noted that more detailed analysis would be provided in Q4 and would inform the Annual Report.
20. Q3 has continued to be dominated by SPS' response to COVID-19. In Q1, early release and the reduction in court activity had the effect of reducing the overall prison population from a high of 8,123 to 6,829 by 29 May 2020. However, by the end of Q2 (30 September), the weekly average population had increased to 7,519. The population stabilised in Q3 and at the end of the quarter, the weekly average was 7,464 (25 December). During the course of the pandemic, the composition of the population became more complex, mainly driven by an increase in the remand population. The challenges of managing this complexity have been compounded by necessary restrictions in the provision of regimes, activities and movements.
21. Members discussed the content of the paper and agreed this was an important issue which has been hugely affected by COVID. It was important to note and remain mindful, however, that there are currently a large number of people locked in cells for a large amount of time, and SPS' ability to engage with them going forward is going to be severely constrained for some time to come.

AB(MAR)05/21: SPS Delivery Plan 2020-22

22. This paper provided the Advisory Board with an update on the SPS Delivery Plan 2020-22 which was adapted due to the on-going nature of the COVID-19 pandemic.
23. The SPS Delivery Plan 2020-22 (the Plan) sets out SPS' key priorities for the period, aiming to build on positive improvements across the justice and prisons systems in response to COVID-19. This enables SPS to

plan for the shifts through national responses to the pandemic by setting recovery and renewal priorities in short 'bursts' of 6 months. Whilst an interim and adapted plan, this will facilitate quarterly and annual performance reporting requirements and fulfil the terms of the Framework Agreement. The Plan aligns with the Scottish Government's Strategic Objectives and National Outcomes addressing Scottish Government priorities and commitments.

24. Members thanked Mrs Brookes and Mr Macdonald for their papers, both of which were noted and had generated discussion amongst members. Mrs Brookes undertook to provide the NEDs with copies of the published Plan and Planning Grid in due course.

Action: Mrs Brookes

[Mr Macdonald left the meeting at this juncture.]
AB(MAR)06/21: Annual Death in Custody Report

25. The Annual Death in Custody report for 2020 provides information on all deaths in Scottish prisons from 1 January-31 December 2020. The report also provides an analysis of all deaths over the previous 3 years (1 January 2018-31 December 2020).

26. From 1 January 2018-31 December 2020, there were 103 deaths in custody, of which 28 were by apparent suicide, 51 were by apparent natural causes, 22 were of undetermined cause (but most are likely to be drug-related) and 2 homicides. There has been a 3% decrease in the number of deaths by apparent suicide in the 3 years from 2018-2020 compared to the 3 years from 2015-17, but there was a 155% decrease in the number of apparent suicides between 2019-20.

27. There has been a 16% increase in the number of deaths by apparent natural causes in the 3 years from 2018-20 compared to the 3 years from 2015-17.

28. The impact of the pandemic meant that from March 2020, all prisons were running restricted regimes and those in custody were confined for much longer periods of time with limited access to activities. At the beginning of the first lockdown period, all physical visits were cancelled which reduced access to family and friends. All of these factors were identified as potential risks for an increase in suicides in prisons. SPS acted quickly to try to counteract the impact of lockdown by introducing virtual visits and mobile phones to allow people greater opportunity to maintain contact with family. In-cell activities were introduced and information on looking after your mental health and wellbeing during lockdown were issued to everyone in custody. There were also videos and podcasts produced which could be accessed through in-cell televisions providing information on staying healthy during lockdown.

29. Of the 87 FAIs which were held between 2018-20, there were formal findings in 82 cases and recommendations in 5. In the 82 cases with formal findings, there were no recommendations or actions for SPS. This evidence suggests that the DIPLAR process is effective in identifying learning at an early stage, thus enabling immediate action to rectify any potential issues and subsequently informing national practice. This prevents the need for the Sheriff to make further recommendations at the FAI.

30. Members discussed the report but agreed to await the publication of HM Chief Inspector's Review into Deaths in Custody before commenting further. Mrs Brookes agreed to advise Brigadier Monro and Ms Angus when the publication date was known in order that it could be added for discussion at a future Advisory Board meeting. Meantime, members thanked Mrs Brookes for the informative paper.

Action: Mrs Brookes

AB(MAR)07/21: Estates Development Programme

31. This paper summarised the progress of the Estates Major Infrastructure Works and Maintenance Works since the previous progress report in September 2020. The Estates Capital and Revenue-funded projects are categorised into a number of different programmes of work, with the 2 principal programmes being Major Infrastructure Works and Planned Preventative Maintenance.

32. In Mrs Johnston's absence, the Chief Executive advised that the construction sector had been affected by both the pandemic and Brexit, with representations having been raised recently by a contractor in respect of increased costs and tensions.

33. Members discussed the content of the report, in particular in relation to HMPs Barlinnie and Greenock. They noted that good progress is being made were pleased that vital work is on-going and continuing.

RMAC Minutes and Chair's Verbal Report

34. The RMAC Chair provided an update to members as follows:

- Mr Scott referred members to the minute of the meeting held on 5 March and advised that the meeting had been attended by Ms Jennifer Inglis-Jones of the Scottish Government Internal Audit Department who would be heading AAU on a temporary basis in a supporting, leadership role. Initially, she would concentrate on the Audit Plan and Annual Assurance opinion. It is likely that a member of her staff will be seconded to SPS to provide support, during which time the recommendations of the BDO report can be assessed and the appropriate structure for AAU (outsource/shared services/in-house/combination) can be determined.
- Other items of note included a presentation by Mr Ironside on the risks relating to cyber security and the work that was being undertaken to mitigate SPS' exposure. The Chief Executive advised that Mr Ironside and his team are currently working on some additional measures with Procurement colleagues in this respect. RMAC members had asked the EMG to review the grading of the cyber resilience risk to ensure it was accurate and the May RMAC meeting would include an in-depth review of the risks relating to the number of gaps in senior staffing and interim appointments.

Action: Directors/Ms Angus

- RMAC members were dismayed at the budgetary write-off at Central Stores in relation to the purchase of PPU consumables in relation to the pandemic. Mr Purdie advised that it was disappointing, but colleagues had acted in good faith in purchasing these items at the start of the pandemic. It was agreed that he would contact NHS Shared Services in the first instance, or charitable organisations thereafter, with a view to other partners using the excess goods.

Action: Mr Purdie

35. Members thanked Mr Scott for his helpful update. The Chair stated he found it helpful to have received the RMAC Board minutes with the papers in advance of the meeting.

Draft Agenda for May Meeting

36. Subject to a few additions, the draft agenda for the May Advisory Board meeting was agreed.

Action: Ms Lawson

Date of Next Meeting

37. The next Advisory Board meeting will be held virtually on Wednesday 26 May from 1300-1700hrs.

Any Other Business

38. The remainder of the meeting was held in private and was not minuted.

Advisory Board Secretariat

March 2021