

## MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD IN THE LOCHNAGAR MEETING ROOM, SPS COLLEGE, POLMONT ON 26 JULY 2023

**Present:** Ann McKechin, Non-Executive Director and Advisory Board Chair  
 Teresa Medhurst, Chief Executive, SPS  
 Lynne Clow, Non-Executive Director  
 Ian Harley, RMAC Chair and Non-Executive Director  
 Adam Jobson, Head of Organisational Development, SPS  
 Jim Kerr, Interim Deputy Chief Executive, SPS  
 Ali Purdie, Interim Director of Operations, SPS  
 Gerry O'Donnell, Director of Finance, SPS  
 Gill Stillie, Non-Executive Director  
 Rob Strachan, Head of Strategy and Improvement, SPS  
 Stephen Uphill, Non-Executive Director

**In Attendance:** Suzy Calder, Head of Health (Virtually) for AB(JUL)01/23 only

### Introduction and Welcome

1. The Chair welcomed all present to the meeting and noted the successful opening of HMP Stirling, the publication of HM Chief Inspector of Prisons' report on HMP Greenock, and the appointments of Neil Rennick as Director General (Learning and Justice), Scottish Government, and Linda Pollock as SPS Deputy Chief Executive. Advisory Board members noted that this was Mr Kerr's last meeting as Interim Deputy Chief Executive and thanked him for his contribution whilst in this role.

### Apologies for Absence

2. Apologies for absence were received from Sue Brookes, Gareth Rose and Lisa Taylor. Due to technical difficulties, Sharon Lawson left the meeting early.

### Declarations of Interest

3. There were no new declarations of interest.

### Draft Minutes of the Advisory Board Meeting Held on 25 May, Action Points and Matters Arising

4. The draft minutes of the meeting held on 25 May were agreed as a true record and the Action Tracker was updated during the course of the discussion.

5. In Ms Taylor's absence, the Chief Executive agreed to seek an update in respect of the recruitment of further Non-Executive Directors and return to the Chair prior to the next meeting.

**Action: Chief Executive/Ms Taylor**

### Chief Executive's Update

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

- SPS is currently experiencing population and staffing pressures and members noted that a discussion on this issue was scheduled for later in the meeting.
- The Strategic Leadership Group for Prisoner Healthcare, which has both cross-government and cross-ministerial engagement, is making good progress and meets again on 27 July.

- Deaths in custody continue to be a key priority and Ms Calder's presentation later in the meeting will cover this in more detail.
- The Transgender Policy is progressing slowly. Mrs Medhurst noted that although an immense amount of work has been undertaken by SPS colleagues to date, there remains a number of key steps to secure final sign off.
- There have been a number of discussions concerning HMPs Glasgow and Highland, in particular, the close monitoring of all capital project costs.
- The Fatal Accident Inquiries (FAIs) into the deaths in custody of Katie Allan and William Lindsay have now been set for January 2024.
- The Scottish Child Abuse Inquiry runs from September-December, and SPS representatives are likely to be called to give evidence at the end of first period, then again later in the process.

7. Members thanked Mrs Medhurst for the informative and helpful update.

### **Operational Update**

8. Mr Purdie advised members that:

- There were 7,847 people in SPS' care on 21 July.
- There were 63 significant incidents reported during the 2 month period from 18 May-19 July.
- There were 8 deaths in custody reported within the reporting period - 5 as a result of apparent natural causes and 3 of apparent overdose.

9. Mr Purdie was thanked for his update, with colleagues noting that a further discussion on the 3 major contracts for the delivery of custodial and prison escort services was scheduled later in the meeting.

### **AB(JUL)01/23: Death in Prison Custody - Deep Dive**

10. The Advisory Board welcomed Suzy Calder, Head of Health, to the meeting for this discussion. Ms Calder gave a detailed update and presentation on the progress made in addressing the recommendations contained within the Independent Review of the Response to Deaths in Prison Custody.

11. In November 2019, the then Cabinet Secretary for Justice asked Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland (HMCIPS), to undertake a review into deaths in prison custody. The Review was tasked with making recommendations on how to improve the response when a death occurs in one of Scotland's prisons and was co-chaired by Prof Nancy Loucks, Chief Executive of Families Outside, and Judith Robertson, Chair of the Scottish Human Rights Commission. The review made a total of 26 recommendations.

12. SPS' Death in Prison Custody Tasking Group was convened to provide oversight and governance of the programme of work specific to all prisons, including those contracted by SPS, to address the recommendations contained within the Review. The Group meet on a monthly basis and includes members from across SPS Directorates, the National Prison Care Network, Trade Union Side (TUS) and Scottish Government.

13. A Progress Report was published in December 2022 and the key areas for conclusion in the next quarter include development of an accessible system to allow family members who have serious concerns about their loved ones to have these acknowledged, recorded and addressed.

14. Advisory Board members noted the progress being made to address the recommendations contained within the Review and discussed the role of the DIPLAR process and its governance specifically. It was

agreed that Mr Strachan would provide a further briefing on deaths in custody for the next Advisory Board meeting.

**Action: Rob Strachan/Sharon Lawson**

15. Members thanked Ms Calder for both her attendance and for the amount of detailed and complex work undertaken by her team in this respect. [Ms Calder left the meeting at this juncture.]

#### **AB(JUL)02/23: Financial Update/Budget Monitoring**

16. This paper provided an update on the 2023-24 financial position.

17. Members noted that SPS is reporting both resource and capital overspends for the financial year and that the budget was over-allocated due to a number of areas of uncertainty such as inflation costs which was impacting both resource and capital budgets.

18. The production of the Annual Report and Accounts has been delayed by approximately 4 weeks due to an issue that has arisen in respect of the re-valuation of SPS assets. Mr O'Donnell advised that he had met with the District Valuer and a desktop evaluation is planned.

#### **AB(JUL)03/23: Absence Management - People Metrics**

19. Mr Jobson provided an update on the latest absence management trends and wellbeing activity within SPS.

20. Prior to the pandemic, sick absence was on a long-term upward trend which peaked in the 12 months to 31 July 2019. Sick absence fell sharply during the early stages of the pandemic due to shielding, however, once shielding ended, sick absence again increased until a peak in the 12 months ending 30 April 2022. There was a reduction in sick absence in 2022-23 compared with 2021-22 and this reduction has continued in the first quarter of 2023-24.

21. During 2022-23, there was an increase in capability dismissals compared with the previous year, which also equated to an increase in working days lost prior to dismissal. A significant amount of work was put into understanding the impact of capability, and more specifically, the compensation which is paid under Civil Service rules when an employee is dismissed for poor attendance in certain circumstances. Throughout SPS, there is now a recognition of the need to avoid capability dismissals and explore other routes to support employees.

22. When comparing Quarter 1 of 2023-24 with the same Quarter in 2022-23, a reduction in capability dismissals can be seen, and further work is being taken forward to better support employees to remain in employment, exit through other routes and strengthen governance arrangements around the attendance case management process.

23. Members noted this update and thanked Mr Jobson for his presentation. They asked that an updated report on absence statistics be prepared for a future meeting.

**Action: Adam Jobson**

#### **AB(JUL)04/23: Performance Report on Private Sector Contracts**

24. This paper provided an update on the 3 major contracts private sector contracts managed by SPS for the delivery of custodial and prison escort services - the Scottish Court Custody and Prisoner Escort Services (SCCPES), and the privately operated prisons at HMPs Addiewell and Kilmarnock.

#### SCCPES

25. The overall performance of the contract has been sub-optimal for some time and is being closely monitored. However, over recent months, there has been a downward trend in delivery which is known to

be linked to the low levels of staffing. All Multi-Agency Liaison Group (MALG) partners are aware of the current concerns and are in the course of updating and testing Contingency Plans.

#### HMP Kilmarnock

26. The contract for HMP Kilmarnock expires on 16 March 2024 and SPS' Transition Project Team is leading on the transfer, with the Contract Management Unit (CMU) assisting where required. There are no known current issues or concerns in the on-going operation of the contract.

#### HMP Addiewell

27. Samantha Pariser was appointed Director of HMP Addiewell in June and has initiated steps to increase staff capacity.

28. HMIPS completed a Full Inspection in November 2022, and due to concerns, a follow-up visit took place in January 2023. The findings from the Inspection and follow-up identified serious concerns across the prison. SPS' Controller team has been increased with additional tasking to actively monitor the day-to-day operations.

29. Members thanked Mr Purdie for this update and noted their continuing concerns in relation to GEOAmeys performance.

#### **AB(JUL)05/23: Prison Population - Population Strategy for a Continuing Rise in Numbers**

30. This paper provided the proposed practical options, as well as an associated timeline, to manage upward projections in the Scottish prison population over the next 6-12 months. The options are aligned to Strand 1 of the Population Review being developed by Operations Directorate.

31. Since the beginning of the Covid-19 recovery phase by Justice Partners within the Scottish Courts and Tribunal Services (SCTS), SPS has seen a continuous rise in the number of people in our care. This rise is projected to continue and SPS commissioned a review of the current population management strategy at the end of 2022. There are two Strands to this strategy that have been identified, however, this paper concentrates only on Strand 1.

32. The proposal was presented to the Executive Management Group (EMG) on 27 June and elements of such were agreed in principle at that time. However, further work was commissioned after that discussion that is now being taking forward by Operations colleagues prior to the proposal being fully progressed.

33. The Advisory Board were invited to note the proposals contained within the paper for taking forward necessary actions to re-align SPS' population in the most effective way. A discussion then followed, and Mrs Medhurst advised that there was on-going close engagement with Scottish Government on the challenges and risks associated with prison population. All present at the meeting agreed with her analysis and that close monitoring was needed across Corporate Risk and associated impact on SPS Annual Delivery Plans. It was agreed that the Advisory Board would consider this issue further at subsequent meetings.

#### **RMAC Chair's Verbal Report**

34. Mr Harley provided the Advisory Board with a summary of recent RMAC activity. The meeting scheduled for 31 July had been postponed to 14 August to allow further work to be undertaken by SPS' external Asset Valuer in relation to finalisation of the annual accounts (as previously advised).

35. A discussion on the risk culture followed, with Ms Clow sharing her experiences of working with other organisations.

36. Members thanked Mr Harley for his update.

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

37. Ms Clow advised that since the last Advisory Board, the SDG had met once on 4 July. At that meeting, the Group reviewed progress against each of the strategic major deliverables that have planned activity this year.

38. Case Management, Population Management and Trauma-Informed Practice are amongst the subjects to be discussed at the next meeting in August.

39. Members thanked Ms Clow for her update.

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

40. Mr Uphill advised that since his last update to the Advisory Board, the MPMG had met to discuss initial estimates for capital improvements to HMP Barlinnie and had noted that the installation of internal telephones throughout establishments was well advanced.

41. Members thanked Mr Uphill for his update.

### **Any Other Business**

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

### **Draft Agenda for September Meeting**

43. The September meeting agenda was agreed with the inclusion of the items discussed throughout the course of the meeting.

44. Prior to the next meeting, a demonstration of Control and Restraint techniques would be provided by Gerry Michie, Governor-in-Charge, at HMPYOI Polmont for those members who wished to attend.

45. NED colleagues asked that a future Advisory Board meeting take place within an establishment.

**Action: Sharon Lawson**

### **Date of Next Meeting**

46. The next Advisory Board meeting will be held on Thursday 28 September from 1300-1600hrs, in the Dumyat Meeting Room, SPSC.

### **Advisory Board Secretariat July 2023**