

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD IN THE DUMYAT MEETING ROOM, SPS COLLEGE, POLMONT ON 24 JANUARY 2024

Present: Ann McKechin, Non-Executive Director and Advisory Board Chair
 Teresa Medhurst, Chief Executive, SPS
 Linda Pollock, Deputy Chief Executive, SPS
 Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS
 Lynne Clow, Non-Executive Director
 John Evans, Non-Executive Director (attended virtually)
 Ian Harley, RMAC Chair and Non-Executive Director
 Adam Jobson, Head of Organisational Development, SPS
 Sharon Lawson, Executive Personal Assistant, SPS (Minutes) (attended virtually)
 Gerry O'Donnell, Director of Finance, SPS
 Ali Purdie, Interim Director of Operations, SPS
 Gareth Rose, Head of Communications, SPS
 Gill Stillie, Non-Executive Director
 Lisa Taylor, Head of OCE Branch, SPS
 Stephen Uphill, Non-Executive Director
 Billy Watson, Non-Executive Director

In Attendance: Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland (for Item 7 only)
 Becky Murray, Head of Improvement, SPS (for Rob Strachan)

Introduction and Welcome

1. The Chair welcomed all present to the meeting, in particular Messrs Evans and Watson who had recently been appointed as Non-Executive Directors to the Advisory Board. Mr Evans has worked across private, public and third sector organisations in both Director and Chief Executive roles, and Mr Watson is currently Chief Executive of the Scottish Action for Mental Health (SAMH).

2. The Chair referred to a number of issues that had arisen since the last meeting. The recently published s22 Audit Scotland report contained a number of helpful recommendations and she thanked Finance colleagues for their work in supporting this investigation; the on-going FAIs in relation to the deaths of Katie Allan and William Lindsay were clearly very distressing cases for all involved, including SPS staff/ex-staff called as witnesses; and prison numbers and the pressure it brings across our systems continues. The Chair further confirmed she would be meeting the Cabinet Secretary for Justice next week.

Apologies for Absence

3. Apologies for absence were received from Mr Strachan.

Declarations of Interest

4. There were no new declarations of interest.

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

5. The draft minutes of the meeting held on 29 November were agreed as a true record. The Action Tracker was updated during the discussion, with several items being closed.

Action: Ms Lawson

6. The Chair asked for updates on the Prisoner Survey and the Review of Deaths in Custody to be provided at the March meeting.

Action: Mr Strachan/Ms Brookes

Chief Executive's Update

7. The Chief Executive advised members that the budget had been announced in December - Mr O'Donnell would cover this in further detail during discussion of his paper. From a Justice perspective, the overriding feedback was that the settlement had been fair and reasonable, however, there are financial challenges and the Cabinet Secretary for Justice had issued a letter regarding spend this financial year. The Deputy First Minister had also made several announcements and given interviews about reform in the public sector.

8. SPS continues to experience significant population pressures which colleagues are highlighting to not only the Scottish Government (SG), but to the wider public about what those pressures mean for the organisation. There are a number of internal workstreams looking at ways to help alleviate the current pressures and a documentary has also been filmed within HMP Perth which will air on BBC on 5 February in this respect. Ms Stillie advised that the impact of population pressures were now becoming apparent in the DIPLAR reviews she had been undertaking.

9. The revised pay award has now been agreed by all Unions and will be paid to staff in February salaries. The Chair congratulated Mr Jobson and his team for their work in reaching an agreement, including the change in working hour patterns.

10. The Transgender policy has now published, and the Chief Executive attended the Criminal Justice Committee on 11 January in relation to the policy and SSIs (for the required changes to legislation). It was planned to implement the policy in February.

11. SPS' contribution to the Scottish Child Abuse Inquiry officially finished at end December 2023.

12. HMP Kilmarnock returns to public ownership in March and plans for the transfer are positive. The Team have undertaken a fantastic amount of work and though there are likely to be some minor issues which arise, colleagues are content with the current plans. HMP Kilmarnock is the first example in the UK of a private prison returning to public sector ownership and the Advisory Board members congratulated all of those involved in the project.

13. The substantive Director posts (x3) will be advertised shortly, and it is hoped to confirm appointments in March/April. The Chief Executive thanked Ms Pollock for progressing this matter with the Scottish Government.

14. Members thanked Ms Medhurst for her informative and helpful update. In relation to the reforms to prison officer staffs' hours of work, members requested that a more detailed update be provided at their meeting in May.

Action Mr Jobson

AB(JAN)03/24: Improvement Framework Report

SPS Priorities and Pressures, including Population Update

15. Ms Pollock advised that this report provided an update on the Executive Management Group (EMG's) discussions and plans to re-prioritise the programme of work planned in response to the pressures of a growing and complex prison population.

16. Whilst the prison population continues to grow and SPS remains under sustained extraordinary pressure, measures will need to be taken to allow the safe running of prisons to take precedence over all other work for a period of time.

17. SPS is considering a two-staged approach to allow focus on increasing operational challenge, and to re-prioritise the work programme in response to longer-term trends. One-to-one sessions are now being progressed within each Directorate, considering Annual Delivery Plans and what is not deemed 'essential' to the safe running of prisons that can be considered for a different timeline. Concurrently, and building on

work identified from these sessions, the Strategy and Performance team are taking forward a whole system review of programmes to consider inter-dependencies.

18. The review will also work with Finance colleagues to consider spend both this and next year financial year, and to help direct Stage 2 investment on key programmes with maximum value organisationally and financially.

19. Once the process has concluded, a proposal of essential business, work to re-prioritise and key focus for Stage 2 will be discussed with key partners, including SG and the Cabinet Secretary for Justice. SPS will also engage with other justice partners as this will impact on the organisation's ability to engage in wider pieces of work across the justice system.

20. Mr Purdie updated the Advisory Board on work to optimise space within establishments, including the re-location of adult male prisoners in HMP Polmont. He pointed out that there were now 200 additional long-term prisoners compared to the equivalent figure a year ago.

21. For the benefit of Messrs Evans and Watson, the Chair asked that the links to the Dashboard contained with the November Advisory Board paper be sent to them for their information.

Action: Ms Murray/Mr Strachan

People Metrics

22. SPS has a Code of Conduct (disciplinary) policy which provides a framework and procedures for the purpose of ensuring that the highest standards of behaviour are maintained across SPS at all times. It sets out the process which must be followed when any information which suggests those standards have not been met comes to SPS' attention. This report provided Advisory Board members with oversight of the more serious disciplinary cases, known as gross misconduct.

23. SPS has taken positive steps to increase awareness and educate Senior Leaders and HR colleagues on the Code of Conduct process, conduct investigation training and Lessons Learned to ensure SPS has highly skilled, qualified and compassionate leaders who drive forward the right behaviours and actions, reducing unnecessary suspension/abeyance costs, whilst considering the organisational culture, SPS' reputation and risks to deliver the right outcomes. Feedback from Commissioning Managers and employment lawyers suggests that SPS continues to manage cases well.

24. Across all workplaces, there has been a shift in workplace dynamics as a result of societal awareness, changes in legislation and evolving cultures and expectations. SPS is no exception to this change, and it is incumbent on the organisation to meet the highest of standards. SPS sets standards of conduct for its employees which, in some instances, are significantly higher than those expected in other employment relationships, and continues to use the Code of Conduct policy to manage the most serious of disciplinary cases.

25. Members thanked Ms Pollock, Mr Purdie and Mr Jobson for this paper.

AB(JAN)01/24: Presentation by Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland (HMIPS)

26. Advisory Board members welcomed Ms Sinclair-Gieben to the meeting at this point. Ms Sinclair-Gieben provided an update on the current work of HMIPS, including inspection and monitoring, thematic reviews and areas of concern and interest.

27. As one of the 21 bodies that comprise the UK's National Preventive Mechanism (NPM), HMIPS has a duty to regularly monitor the treatment of detainees and the conditions in which they are held. This duty is also enshrined in the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order. Ms Sinclair-Gieben is also the Chair of the UK NPM.

28. HMIPS' focus for this quarter includes publishing the Progression Review and the HMP Edinburgh full inspection report; preparing and delivering the full inspection of HMPYOI Stirling, and the Bella and Lillias

Centres; driving the training package delivery on prevention of torture with the anticipated publication of the Brook House Inquiry; following through on NPM work in mental health; and delivering the new Case Management System.

29. A wide-ranging discussion followed and concluded with Ms Sinclair-Gieben stating that in her view, SPS is doing an amazing job with the resources it has available. She shared the Advisory Board's concerns about the impact of the increasing prison population. Ms Sinclair-Gieben then left the meeting with members thanking her for her helpful update and full discussion.

AB(JAN)04/24: Financial Update/Budget Monitoring

30. This paper provided an update on the 2023-24 financial position as at 30 November and generated a number of areas of discussion, including the current status of major capital projects.

31. Mr O'Donnell advised that a paper would be submitted to the EMG on the Re-structure of the Finance Team which looks to address the challenges being experienced therein. The NEDs again raised their concern that it may not be possible to attract a Capital Accountant and asked that SPS look at alternative ways of recruiting into this role given its criticality.

Action: Mr O'Donnell/Mr Jobson

AB(JAN)05/24: Communications Update

32. This paper set out a vision for SPS' approach to communications in 2024 and beyond, including SPS' aims, challenges and priorities.

33. It is very difficult to promote SPS when things are busy, but all agreed that there was a need to do so nonetheless, and Mr Rose and his team had been working hard to do that with members noting that there had been a significant increase in publications etc since Mr Rose's appointment.

34. The Communications Strategy will be finalised shortly and an optional training package for staff will be devised on communications. This will be re-inforced with visits to establishments to meet groups of staff, discuss the strategy and training package, as well as what they would like to see from the Communications Team, what they can contribute and the wider philosophy.

35. Good progress is being made on a new website which it is hoped to launch this quarter. It will be more user-friendly, signpost users more swiftly to key information and better reflect SPS as a modern and transparent organisation.

36. It is recognised that it is important to keep those within our care informed of major developments that have impacted upon them, such as in-cell telephony and the Transgender policy. SPS has prioritised easy-read versions of prisoner communications to ensure those who may be neurodivergent, have limited literacy, or who do not speak English as a first language, are not excluded.

37. The Chair asked that the NEDs send head and shoulder photographs to Mr Rose for inclusion on the new website. Mr Rose agreed to advise NED colleagues when this went live and they in turn undertook to provide feedback to him at the March meeting.

Action: Mr Rose/NEDs

RMAC Chair's Verbal Report

38. Mr Harley provided the Advisory Board with a summary of recent RMAC activity, as follows:

- A Risk 'deep dive' on Rehabilitation had been undertaken. Members noted that various rehabilitation elements would not progress as intended due to insufficient resource and were asked to consider both short and long-term actions that could be taken.

- A discussion had been held on whether to make the Corporate Risk Register freely available and the proposal would return to EMG for further discussion.
- The population risk has increased in rating and is now the top risk on the Corporate Risk Register.
- Members had undertaken a self-assessment exercise on the effectiveness of RMAC and no major issues had been identified.
- A full review of ex-gratia payments would take place in Quarter 1.
- An update from the Fraud Response Group had been given at the meeting and Mr Jobson was to be invited to attend a future meeting in this respect.

39. Members thanked Mr Harley for his full update.

Major Projects Management Group (MPMG) Verbal Update

40. Mr Uphill advised that the last meeting of MPMG had discussed:

- HMPs Glasgow and Highland (which had already been covered in earlier discussion).
- The implementation of the HR programme.
- Closure of the in-cell telephony project and a discussion on the next steps.

41. Mr Evans would now assume the NED role on this group and Mr Uphill agreed to arrange a separate discussion with him in respect of his responsibilities. Members thanked Mr Uphill for his contribution during his appointment as NED representative on MPMG.

Action: Mr Uphill

Any Other Business

42. There had been some work carried out on the Governance Review, in tandem with the review of Committees and meeting groups, and the Chair thanked Ms Pollock and Ms Taylor for taking this forward. Ms Taylor undertook to contact NEDs for a short 1-2-1 interview, with a view to holding a workshop in May.

Action: Ms Taylor

43. Ms McKechin advised that she would shortly be conducting her annual 1-2-1 calls with NEDs and would issue a questionnaire to them for completion.

Action: Ms McKechin

Draft Agenda for March 2024 Meeting

44. The agenda for the next meeting was agreed as drafted.

Date of Next Meeting

45. The next Advisory Board meeting will be held on Wednesday 27 March from 0930-1200hrs, in the Board Room, HMP Perth. The RMAC meeting will follow at 1300hrs.

Advisory Board Secretariat January 2024