The Committee will meet at 1.15pm in Committee Room 4.

1. **Alternatives to Custody Inquiry**: The Committee will consider its draft remit for the inquiry.

2. **Annual Report**: The Committee will consider its draft annual report.

3. **Petition**: The Committee will consider the following petition—
   
   Petition PE514 by Ms Ann Wemyss.

4. **Title Conditions (Scotland) Bill (in private)**: The Committee will consider its approach to the Bill.

5. **Prison Estates Review (in private)**: The Committee will consider a revised draft Prison Estates Review report.

   Alison Taylor
   Acting Clerk to the Committee, Tel 85195
The following papers are attached for this meeting:

**Agenda item 1**
Note by the Adviser and the Clerk
‘Alternatives to Custody’, SPICe briefing note 02/61 (Justice 1 Committee members only)

**Agenda item 2**
Note by the Clerk

**Agenda item 3**
Note by the Clerk (petition attached)

**Agenda item 4**
Note by the Clerk (private paper)

**Agenda item 5**
Note by the Clerk (private paper)
Final report of Justice 1 Committee visit to HMP Kilmarnock
Correspondence from Elaine Bailey, Managing Director, Premier Prisons Ltd
Correspondence from the Sheriffs’ Association
Supplementary evidence from Grant Thornton
Correspondence from the Minister for Justice
Note by Clerk on Visit by Members to HMP Edinburgh
Correspondence from Premier Prison Services Ltd

**Papers for information circulated for the 27th meeting, 2002**

Correspondence from the Deputy Minister for Justice regarding The Criminal Justice Act 1988 (Offensive Weapons) Amendment (Scotland) Order 2002 (Draft)
Background

The Committee agreed at its meeting on 5 February to hold an inquiry into alternatives to custody. The Committee has already commissioned and published research into public attitudes to sentencing and alternatives to imprisonment which was carried out by NFO System 3 Social Research (SP Paper 537, Executive summary attached). The Committee also held a civic participation event in Glasgow in March where members of the public participated in workshops and an open space event to give their views on these issues. The report on the outcomes of this event will be published when the Committee launches its inquiry (Executive summary attached).

The Committee has appointed Professor Neil Hutton as its adviser on this inquiry. Professor Hutton will be present at the Committee meeting on 25 June when the Committee will discuss the remit of the inquiry.

Timescale

It is proposed that the Committee will put out a call for written evidence over the summer recess and take oral evidence in November. The Committee should note that it is likely that there will only be 4 oral evidence sessions to devote to this inquiry. This is due to legislative commitments (Title Conditions (Scotland) Bill and Proposed Council of the Law Society of Scotland Bill) and limited time before the election. Members should be mindful of the limited timescale when framing the remit.

Draft Remit

The Committee is invited to consider the draft remit which will form the basis of the Committee’s call for written evidence.

With prisoner numbers set to rise over the next ten years, the Committee wishes to investigate the use and effectiveness of community sentencing as an alternative to imprisonment. The Committee wishes to address the following specific questions:

1. What currently exists?

Which community penalties are available to the courts in Scotland? What are the restrictions on their use? Which community sentences are not available in Scotland? Should these be introduced?
2. **Level of service provision**

What level of resources are deployed in the provision of community programmes? Are resources available adequate for the local needs brought to court? If there are any shortfalls, how much is needed and where will these resources will come from?

3. **Effectiveness**

How effective are community penalties in Scotland in addressing recidivism? What data is available? What data should be available? What comparative evidence is available?

4. **Allocation of community penalties**

How are community penalties allocated? Are the right kinds of cases/offenders receiving appropriate community penalties? What are the obstacles which hinder the process of getting the right sanctions to the right offenders?

Given the time constraints, the Committee may wish to consider this as stage 1 of its inquiry, looking at alternatives to custody within existing parameters. The Committee may wish to recommend that the next Justice Committee (after the 2003 elections) pursue stage 2 of the inquiry, which could be to look at alternatives to custody in the wider context of penal reform.

**Fact finding visits**

The Committee should also consider whether it wishes to undertake fact finding trips in relation to this inquiry. The most recent deadline for bids to the Convener’s Liaison Group for Committee travel was last week. The Convener has provisionally made bids for the following visits:

- The Committee has been invited to visit Reliance Monitoring Services advanced monitoring facility in East Kilbride. Reliance Monitoring Services are responsible for the monitoring of Restriction of Liberty orders (electronic tagging);

- It has also been suggested that the Committee should visit the Fregarrach project, which works with persistent juvenile offenders; the drugs court in Glasgow and an intensive probation and an alcohol project at Greenock Sheriff Court.

The Committee is invited to consider whether it wishes to pursue the above visits and whether there are any further visits it wishes to undertake.
Justice 1 Committee

Draft Annual Report of the Justice 1 Committee for the Parliamentary Year
12 May 2001 to 11 May 2002

The Committee reports to the Parliament as follows—

Remit and Membership

Remit

To consider and report on matters relating to the administration of civil and criminal justice, the reform of the civil and criminal law and such other matters as fall within the responsibility of the Minister for Justice.

This remit relies upon a definition of the responsibility of the Minister for Justice. At present this is understood to be: civil and criminal justice, social work services, criminal policy in relation to drugs, police, fire and emergency planning, law reform, land reform policy and freedom of information.

Membership

Christine Grahame (Convener) (as of 3 September 2001)
Maureen Macmillan (Deputy Convener as of 26 March 2002)
Wendy Alexander (as of 9 May 2002)
Lord James Douglas-Hamilton (as of 28 June 2001)
Donald Gorrie (as of 20 September 2002)
Michael Matheson
Paul Martin

Past Members

Alasdair Morgan (Convener) (until 3 September 2001)
Gordon Jackson QC (Deputy Convener until 21 March 2002)
Phil Gallie (until 28 June 2001)
Angus MacKay (until 9 May 2002)
Nora Radcliffe (until 20 September 2001)

Committee Clerks

Lynn Tullis
Introduction

1. This year has seen the Committee embark upon three substantial inquiries, while scrutinising a major bill and promoting the first ever Parliament Committee bill. In addition, the Committee has considered a wide range of petitions and secondary legislation.

Inquiries and Reports

2. Since May 2001, the Committee has conducted three principal inquiries. The first of these is the inquiry into legal aid. The inquiry remit was the “assessment of the impact of recent changes in the legal aid system (both civil and criminal), and the likely impact of possible and prospective changes, on the contribution made by the system to securing access to justice.”

3. The Committee has taken wide ranging evidence including from consumer organisations, legal practitioners’ representative bodies and voluntary organisations. The Committee’s report was published 7 November 2001. The report was debated by the Parliament on 13 March. The Committee welcomed the Executive’s commitments to address a number of issues highlighted in the report.

4. The second inquiry is into the regulation of the legal profession. The remit of this inquiry is to investigate: “the existing systems and procedures for dealing with complaints (including the definition of complaints, whether there are complaints/grievances that are excluded and the reasons for this); the nature of complaints currently dealt with; the effectiveness of the complaints systems and perceptions of their effectiveness; comparative models and their effectiveness; and how complaints systems can be improved (but excluding judges and non-regulated legal services).”

5. This inquiry has generated a great deal of public interest, particularly from individuals who have been involved with the complaints process. Again the Committee has taken extensive evidence from professional bodies, consumer groups, lobby groups and academics. Almost half of the written submissions received were from individuals. A consultation paper setting out options on the way forward was issued on 29 April and responses are to be with the Committee by 26 June 2002.

6. The third major inquiry, which is ongoing, is into the Scottish Prisons Estates Review. Up to May 2002 the Committee held 3 evidence sessions, hearing from former and current prison Governors and trade unions representatives. Evidence sessions have continued and the report is due to be published at the end of June
2002. In carrying out its investigation the Committee visited a number of prisons, talking to the management team, staff and prisoners.

**Bills**

7. The Committee was lead committee on the Freedom of Information (Scotland) Bill, which provides for the disclosure of information held by Scottish public authorities. The Committee took evidence from a diverse selection of organisations regarding the provisions of the Bill.

8. The Committee introduced the Parliament’s first Committee Bill on 4 June 2001. The Protection from Abuse (Scotland) Act 2001 received Royal Assent on 6 November 2001. The Bill enables a power of arrest to be attached to interdicts granted to protect individual from abuse. The Executive has recently commissioned research to evaluate the influence and effectiveness of the Act.

**Subordinate Legislation**

9. The Committee reported on 18 negative statutory instruments and 2 affirmative statutory instruments.

**Petitions**

10. The Committee has considered 14 petitions on a number of subjects including dangerous driving resulting in fatalities in relation to which the Committee made recommendations to the Minister for Justice. One of these recommendations is that the current offence of causing death by dangerous driving should be extended to include severe injuries. The Committee also considered a petition on the working methods of the Scottish Legal Aid Board (SLAB) in relation to disbursement of compensation monies. The Committee examined this issue as part of its inquiry into legal aid and SLAB has now issued guidance on how property recovered and preserved is dealt with in legally aided cases.

**Civic Participation Event**

11. On 9 March 2002 the Justice 1 Committee organised a Civic Participation Event at Glasgow Caledonian University’s Govan Mbeki building. Eighty-six citizens were brought together to debate sentencing and alternatives to imprisonment using specially designed case studies. The event provided a wide range of judgements and opinions and will help inform the Committee’s proposed inquiry into alternatives to custody. In addition, research from NFO System Three Social Research was commissioned by the Committee to examine public attitudes towards sentencing and alternatives to imprisonment in Scotland which was published on 11 March 2002.

**Meetings**

12. The Committee met 38 times from 12 May 2001 to 11 May 2002. Of these meetings, 25 were entirely or partly in private. One meeting was entirely in private, and was to consider a draft report. Of the 24 meetings which were partly in private the Committee considered 12 items relating to bills or inquiries, such as
consideration of scope and draft remits, 6 lines of questioning, 4 witness expenses, 3 items relating to the Committee's work programme, 2 adviser appointments and 1 draft report.

13. All the meetings were held in Edinburgh.

Committee Office
May 2002
Background

This petition (attached) calls for the Scottish Parliament to urge the Scottish Executive to:

(a) review its decision to close Peterhead prison;

(b) opt instead for a refurbishment or the construction of a new building on the current site; and

(c) recognise the work and efforts achieved by the staff at Peterhead prison to reduce offending.

The petition has been signed by over 17,000 individuals. The petitioners are concerned about the impact the closure would have on the economic stability of Peterhead, and highlight the support from the Peterhead community for the prison.

Consideration by other Committees

The Public Petitions Committee (“PPC”) considered the petition on 18 June 2002, when it agreed to, as a matter of urgency, refer the petition to the Justice 1 Committee for consideration as part of its current work programme on prisons.

Procedure

The Standing Orders make clear that, where the Public Petitions Committee refers a petition to another committee, it is for that committee then to take “such action as they consider appropriate” (Rule 15.6.2(a)).

Options

The Committee may wish to decide:

- whether to consider the issues raised in the petition within the scrutiny of the Prison Estates Review; or

- to note the petition and take no further action.
JUSTICE 1 COMMITTEE

Visit by members to HMP Kilmarnock

Note by the Clerks

1. Members of the Justice 1 Committee visited HMP Kilmarnock on Monday 22 April 2002 in the context of the Committee’s consideration of the Scottish Prison Estates Review. The members representing the Justice 1 Committee were Donald Gorrie and Michael Matheson.

2. This note provides a factual account of the visit to HMP Kilmarnock by members of the Justice 1 Committee.

Introduction

3. Before meeting staff in the prison boardroom for a welcome meeting, the Director of the prison, Mr Ron Tasker, highlighted a new horticulture project in the prison grounds. Prisoners were assisting with building a glasshouse in which they would be taught horticulture to SVQ level by an instructor.

4. The Director welcomed members to the prison, and introduced members to John Gerrie, Controller of the prison, Mike Duffy, Operations Director for South and West, Scottish Prison Service (SPS), George Herbert, Chairman of the Kilmarnock Visiting Committee, Brian Roach of French Jones (PR Consultants) (for the prison’s public affairs), Ken Paul, Assistant Director of Custody and Stuart Yates, Assistant Director of Prisoner Development.

5. Mr Tasker stated that he had 35 years experience overall working in prisons, with 31 of those in the public sector and the remaining 4 in the private sector at HMP Kilmarnock. He stated that he believed that HMP Kilmarnock combined the best of Victorian prisons design as well as incorporating new benefits such as the prison being wider which meant that inmates could eat outside their cells and have better access to showers. He stated that he had moved from the public sector to work at HMP Kilmarnock as a new challenge, and still felt that the same integrity applied in the private sector.

6. Mr Tasker said that he believed that HMP Kilmarnock was a safe, secure, decent prison with good staff although members may have read differently elsewhere. He said that the recent staff survey backed up his belief, with 88% of inmates stating that they had not been bullied.1 Mr Tasker felt that criticisms of the prison were unfair. He said that salary differences between public and private sectors had been used to attack the prison and mentioned for the record that pPrison Custody Officers at the prison could attain £14,300 after 3 years of service, and

---

since the prison’s opening, hours had been decreased, and pensions and wages increased. He also mentioned that in recent correspondence with Clive Fairweather, Chief Inspector of Prisons (HMCIP), Mr Fairweather refuted that he had ever said that the prison was an expensive failure.

7. Mr Tasker reflected that a major problem for the prison was that 85% of inmates had drug problems on arrival at the prison. These mostly involved mixtures of class A drugs although there were some instances of class C. He stated that he thought that the prison was achieving its main aims which were to keep the public safe and help the inmates change their lives. Mr Tasker said that 80% of inmates were employed in the workshops for a 35 hour week and he believed this to be a better situation than in England where only approximately 20% work. He believed that work formed a large part of the inmates rehabilitation. Mr Tasker also explained that his functions as a Director differed from a public sector prison governor in that the prison was under contract to the Scottish Prison Service (SPS) to attain targets on approximately forty different performance measures.

8. Mr Duffy mentioned that he had led the work on the Scottish Prison Estates Review until the Scottish Executive took the lead on this work 15 to 16 months ago. He felt that HMP Kilmarnock compared favourably with other prisons in terms of various factors including funding.

9. Members asked how effective private prisons were with regard to inmate’s rehabilitation bearing in mind HMCIP’s view that the prison concentrated on work for inmates and that the contract with the SPS seemed to present problems for the prison because of tight and inflexible rules. Mr Tasker agreed that the contract had changed mechanisms of operation. He mentioned that he met Mr Gerrie weekly and the Finance Director every three months in order to assess the contract. He stated that work for inmates was integral for their rehabilitation, and that the rehabilitation programmes were operating at full capacity. Mike Duffy agreed that the contract was tight but also believed it to be robust and capable of change. He stated that the prison’s contract stipulated that inmates should work which is not the case in public prisons. He believed that the volume of therapy should be limited and that inmates needed a routine which was provided by a work regime which in turn would help them towards rehabilitation. He thought that approximately 92% inmates were eligible to work full-time at HMP Kilmarnock, and the number to be less elsewhere, e.g. approximately 50% at HMP Barlinnie. He admitted that with hindsight there would be changes to the contract if it were to be written now, but believed the contract to have sufficient protection and flexibility built in.

10. Members mentioned that it was difficult to obtain information regarding private prisons due to the low volume of information that was given by civil servants, and that more openness generally would make MSPs and everyone else less suspicious. Members acknowledged that to be fair to the prison, representatives of the prison had been open to the Committee members when they gave evidence but that the SPS had been responsible for inhibiting spread of information. Mr Duffy replied that the prison contract had been substantially published omitting the operational contract. He explained that the omitted detail would be of little interest to MSPs as it consisted of administrative material such
as specifications for cameras at the prison. However this material could cause problems to the prison if released as it could be used by either someone who wished to break into the prison or alternatively the figures could be used competitively by another organisation to offer a better deal to the SPS than Premier Prisons were currently offering. Members answered that Premier Prisons had agreed to allow Justice 1 Committee members to examine the contract in private and stated that a balance had to be achieved to protect the public and that scepticism would continue until information was more forthcoming. Mr Duffy acknowledged that there was frustration and suspicion regarding the non published parts of the contract.

Tour of prison

Metal workshop
11. The Committee members visited a workshop where inmates were manufacturing various metal commodities such as skips. There are on average 1 or 2 staff backed up by CCTV coverage in charge of 30 to 35 inmates in such workshops at the prison. There is demand for places and inmates can progress to employment outside the prison in metal fabrication after release. There are two permanent instructors who train the inmates to weld, one of which previously worked for the RAF. One of the instructors mentioned that nobody else built skips in Scotland and that the prison could build skips cheaper than elsewhere at a high quality which in turn gave the inmates a wide range of building skills.

Education area
12. There are six teachers in the education area of the prison. Inmates can work towards SCOTVEC modules in subjects such as maths, English, IT, accounting, history and geography in a classroom situation. Staff explained that inmates have a flexible choice of what they study, and can engage in distance learning with institutions such as the Open University. Various colleges in Scotland and England have 3 month contracts with the prison to provide courses. Artwork by prisoners decorates the walls of this area. Staff and inmates stated that the class size was generally not more than 10 inmates to a teacher and was quite often less. Committee members spoke to inmates and staff in one class. One inmate said that he attended a General English class five mornings a week which he thought to be average. One inmate said that he thought the staff were not focussed enough but thought the education provision was good because he could have whatever courses he wanted. Another inmate was working on a PC in the same room on an accounting module having completed a maths module. The inmates also have access to a library.

Tea room
13. The Committee members visited the inmate’s tea room briefly where they talked to prisoners. One inmate complained that inmates were not allowed Internet access, staff mentioned that they were considering introducing an internal Intranet for the prison.

Induction room
14. The Committee members next visited the induction room where new inmates complete a two day process with staff. The induction procedure consists of an
introduction to life at the prison, health and safety rules and assessment of the inmate’s skills to order to ascertain what level of education prisoners require.

Psychology area
15. The Committee members also visited the psychology room and talked to staff including social workers. Staff stated that they approached their work in an integrated way with other areas such as the chaplaincy. Inmates often had problems with drugs or alcohol. Inmates could take various courses such as anger management, and received core support from social workers. Courses at the prison are taught by specialists (rather than prison staff as is the case at HMP Peterhead). There are three full-time social workers in the prison. Staff mentioned that they were soon to start working with short-term re-offenders (the ‘Constructs’ programme) and that they were the only prison to do this. Staff stated that approximately 100 long-term inmates were involved in 4 different programmes, and that provision for short-termers was a problem as highlighted in HMCIP’s report. They also hoped to start another new programme which would help sex offenders, and also an assessment programme with contact with social workers outwith the prison.

16. A social worker mentioned that a big problem for her department was that staff could not access victim statements which made their jobs difficult as these statements were a crucial element for risk assessment and confronting inmates with their crimes. Members asked whether short-term inmates were helped by what the prison could offer. Staff replied that the prison offered compulsory attendance for these inmates and had noticed that when prisoners reached an age of about 30 years they seemed to want to reform more and that the prison could help these prisoners to ‘break their vicious circle’. A social worker stated that the prison kept in contact with East Ayrshire Council to aid their work.

17. Members mentioned Mr Tasker’s projected figure of 85% of inmates having drug problems on entry to the prison and asked what the figures were for released prisoners. Mr Tasker said that a recent random drugs test had produced a result of 84% negative, and suspected that 25% of inmates used drugs. He stated that drugs recidivism was high in Scotland. Members stated that the new drugs courts might help to change this culture of re-offending.

18. A social worker mentioned that the prison had strong links with children’s agencies especially in the case of schedule 1 offenders, and that the prison would contact the relevant agencies when a prisoner was released. Members asked whether the prison had any long-term sex offenders. The staff replied that there were few but far more short-term (prisoners serving for less than 4 years) who were often more difficult and dangerous.

Induction/assessment office
19. Committee members visited the office and staff where induction and assessment of prisoners were administered. Staff stated that inmates were assessed with psychometric testing, and were also assessed for risk. The office also functioned as a job centre for the prison where inmate’s skills were determined. Staff stated that inmates had to apply for the job that they wanted and they were not guaranteed to get it as was the case outside the prison. The office also allocated
full-time education. Full files are kept on each inmate including details such as previous convictions and inmates receive a copy of this. Inmates sign a contract agreeing to abide by the rules of the prison. Staff explained the prison’s ‘3 tier system’ for inmates in which those at the top tier received rewards and incentives such as more visits, programmes, etc. Members were reminded that the prison had performance measures to adhere to.

20. All inmates have an electronic prison ID card which allows officers to keep a daily report on each inmate’s whereabouts and activities with details of hours spent at work, education, etc. A database records the performance measures for each inmate. The card holds each inmate’s pay for the work he has completed creating a non-money economy.

21. Members asked if there were other therapeutic activities for inmates apart from going to workshops and education. Staff replied that there are 30 prison volunteers (who are paid for by Premier Prison Services (PPS)) who take part in a scheme to befriend inmates which allows them contact with the outside world. It was mentioned that the chaplaincy service also acts as an informal help and advice service, independent arbitrator, provider of religious services and also speaks and moves freely among inmates on a daily basis in all areas of the prison. Staff mentioned that relationships for inmates with those other than staff were thought to be important.

Houseblock 1
22. Members then visited residential Houseblock 1 which houses long-term prisoners (those serving a prison sentence of four years or more). A typical inmate in this block will be serving a six or seven year sentence. There are four sections in the block (A, B, C and D) which house approximately 60 inmates. Staff showed members the ‘control bubble’ used in the prison which is a central control point for officers within the block which uses CCTV to monitor inmates. Two officers manned the bubble. These control bubbles control main doors only on one level of the prison so that any incidences in the prison can be handled from other control bubbles if necessary.

23. There was also one officer on each of the two floors, there are less when inmates are at work and two at night. It was explained to members that staff were deployed to areas where inmates were during the day. This meant that there were few staff in the houseblocks during the day as inmates were mostly in education or workshops and so staff were deployed accordingly to these areas.

24. Inmates are housed in single cell accommodation in this houseblock and have access to TV, snooker tables and table tennis. The hall is ‘enhanced’ (run as a drug free environment) and inmates can be moved down the tier system if they use drugs. There are competitions in various wings of the prison for cleanliness with prizes for winning which inmates have recently decided to give to charity.

25. Members were shown the canteen facilities for the inmates and were informed that the menu varies. On the day of the visit, inmates had a choice of beans, chips and sausage roll, sandwiches, soup and fruit for lunch. The meals do not change for the weekend. Inmates receive two main meals a day for lunch and
dinner. Members noted that staff seemed not to have a dedicated area for eating lunch, most staff appeared to take lunch in their respective working areas around the prison and eat the same food provided to the inmates.

26. Members spoke to one inmate having lunch in his cell who was serving a two year sentence. He said that he preferred HMP Kilmarnock to HMP Shotts as he felt that Kilmarnock had better conditions and he was treated like a human and could speak to the staff. He had spent his morning in the welding workshop. He felt that private sector prisons meant an easier sentence than in a public SPS run prison but highlighted that he had not been in a public sector prison for a while. He mentioned that he would go to a SPS prison unless HMP Kilmarnock began to offer progression programmes. His cell was typical of those at HMP Kilmarnock containing in cell sanitation and a TV for which he paid £1 a week. He mentioned that he could use telephones using his inmate’s card. Members remarked that they thought the cells were small but had better sanitation than other prisons such as Peterhead.

Health centre
27. Members visited the prison’s health centre and spoke to medical staff. Members received a tour from a prison doctor who said he believed that the prison had all the facilities of a small district hospital such as X-ray equipment. Members were shown the transportable bags of equipment such as sutures and oxygen that medical staff used which could be taken to any wing of the prison.

28. Members visited the consulting room where staff highlighted the importance of detoxification programmes for inmates in HMP Kilmarnock. The doctor described how the prison had used Subutex in a trial on 30 prisoners and had proved with a wide range of evidence that this drug was not suitable for those in custody. The prison now used Naltrexine which had proved very successful and several inmates were now treated with this for various drug related problems. The doctor stated that Naltrexine had proven particularly useful for those short-term prisoners with ‘revolving door syndrome’ to break their cycle of recidivism. Short term prisoners could be given a month’s prescription of the drug on release, and then make a choice about remaining drug free.

29. Members also visited the prison’s treatment room which has ECG facilities for inmates. The doctor mentioned that the machine had been out of operation recently but only for 24 hours. The medicines available to inmates were like those of a hospital, and staff had various equipment for resuscitation, minor surgery, supplying oxygen, taking blood, etc. The doctor felt the prison had a good reputation for what he termed ‘packaging patients’, e.g. giving them a blood test and overall ‘medical MOT’. The doctor mentioned that he had read a report in the media in which the prison’s medical facilities had been criticised by an ex-staff member of the prison. The doctor refuted these criticisms and emphasized his belief that the prison had a comprehensive medical set-up. He mentioned that the prison had dedicated booklets on blood borne viruses which were the first of their type in the UK, and cited this as an example of the prison’s forward thinking approach to medicine. He also indicated the prison’s work into Hepatitis C and liver biopsy as other examples of the prison’s groundbreaking
work. The doctor felt that the prison also influenced public health outside the prison with innovative projects such as that mentioned above.

30. Both members questioned the recent shortfall of nurses at HMP Kilmarnock which had been highlighted by HMCIP’s recent report on the prison\(^2\). The doctor replied that HMP Kilmarnock wanted to recruit special people through a recruiting drive who would be experienced enough to recognise the problems experienced by inmates.

**Visiting Committee**

31. After an informal lunch with managerial staff in the boardroom, members spoke briefly with George Herbert, Chairman of the HMP Kilmarnock Visiting Committee who stated that the Visiting Committee received around eighteen to nineteen complaints from inmates per year, and that a great deal of these focused on the delays and difficulties experienced by inmates in obtaining a dentist’s appointment. Mr Herbert said that he felt HMP Kilmarnock had a different social culture where the Visiting Committee were invited to the prison by the prison Director, and he thought SPS run prisons should be more like this.

**Union members**

32. Members then met with local union representatives Scott Hunter and Alan Watt and Phil Hornsby, General Secretary of the Prison Services Union (PSU) (the union to which most staff at HMP Kilmarnock belong and seen as the ‘union of choice’ for private prisons staff). Members raised the question of recent high staff turnover and asked how the prison had reduced it so drastically from 32% in March 2000 to 14% in April 2001 – February 2002\(^3\). Mr Hornsby thought this overall staff shortage worrying but indicated that it was now lower than other private prisons which had an average of 28% staff turnover. He stated that the initial high figures could be explained by the prison’s recruitment of staff with no prison work experience who did not realise the demands of the job when recruited and thus left quickly in large numbers. He felt that the reduction had been achieved by the prison several years on from the prison’s initial opening by accumulation of more experienced staff who formed a bank of knowledge and skills for those less experienced.

33. Mr Hornsby believed the issue of low pay within the prison to be important. He said that public sector staff earned £6,000 - £7,000 more than HMP Kilmarnock after three years of service and that HMP Kilmarnock staff felt grossly undervalued and found it difficult to make a reasonable career for themselves. He balanced this by stating that he thought HMP Kilmarnock to be the best prison he had ever been to especially from an inmate’s perspective as it had a calm atmosphere and dedicated staff. He added that the PSU had achieved a pay offer of 3½% at RPI level but accepted that this was less than satisfactory. Members queried the figure of 15% pay rise over three years for staff mentioned earlier by managerial staff. Union members replied that staff had received an increase of £700 but only if they were staff in the prison’s first year.

\(^2\)Ibid, pages 16 – 18.
\(^3\)Ibid, page 5.
34. Union members also raised the issue of excessive hours worked by staff at the prison. PSU had managed to reduce working hours but mentioned that staff had to accept the shift pattern to obtain this improvement. Union staff said that staff had expressed anger late last year at jointly accumulating thousands of overtime hours or TOIL (‘Time Off In Lieu’) which they had not been able to take, e.g. one staff member had 340 hours TOIL in December 2001 which could be calculated as six weeks on no pay. This situation had now been changed with limits in TOIL imposed so that staff accumulating over 25 hours overtime were paid each month. Mr Hornsby said that he had appealed to the USA side of the company which ran the prison regarding this situation which could not defend the situation publicly and paid the staff for their TOIL hours.

35. Another concern raised by union members was that of gross understaffing with an average staff to prisoner ratio in houseblocks being 1:65-70. More staff cannot be brought in to cover staff sickness as financial penalties would be imposed via the prison’s contract with the SPS. It was noted that a public prison in this situation would lead to workshops being closes to utilise staff from other areas. Mr Hornsby stated that he thought the staff were at risk due to understaffing and highlighted that staff can’t see the upstairs part of the houseblock when downstairs and felt that the inmates could take control of the situation too easily. He also noted that staff were working twelve hour shifts with no breaks or fresh air.

36. In contrast, Mr Hornsby felt that public prisons were grossly overstaffed and that a balance should be sought for staffing levels in both private and public prisons. Mr Hornsby stated that the trend in private prisons of less staff being paid less in order to engineer more profits was worrying. He added that fiercely competitive tenders by private prison companies are the cause of this trend and that the situation was getting worse. Members noted that the contract specified how many hours inmates must be involved in activities but not how many staff were required. Mr Hornsby stated that he was shocked when he realised that only one staff member was in charge of inmates in the worksheds as this meant that if staff wanted to go to the toilet whilst on duty, they had to lock their office, lock themselves in the toilet and leave the inmates without supervision. Members expressed concern that the CCTV system did not have full vision of the area it was meant to cover so that if staff or more vulnerable inmates were assaulted there would not be footage of the incident. Members were told that on the weekend prior to their visit, an inmate had hit another inmate with a hammer in one of the workshops and staff had been unaware of this until another inmate had told a staff member. It was mentioned that staff injured at work were not seen as newsworthy as injured inmates by the media.

37. Union staff believed that most staff could not afford the 2½ - 3% contribution to their pension. The number that could fell below the 67% average for UK prison staff. They also stated that many staff were on family credits and other benefits to supplement their wage. He also mentioned that staff had been dismissed due to an incident involving an inmate’s death, and that a new staff member had been put on night duty on their first week of work.
38. Due to such problems as those outlined above, union staff felt that the prison staff were becoming disillusioned despite a recruitment drive, and that staff were being lost as fast as they were recruited. Many members of staff went to work for the police as Kilmarnock provided a good training ground for this. Many members of staff did not leave the prison because they did not want to uproot their lives and leave the area although had this not been the case many would leave without hesitation for public sector prison jobs. Union members felt that all staff were seeking other employment, and mentioned that if a public sector prison ever opened in the area, HMP Kilmarnock would have severe staffing problems. Staff stated that many members of staff came to work at HMP Kilmarnock as there were few jobs elsewhere in the area. Despite these comments, staff were still seen as dedicated to their jobs and having a good working relationship with inmates.

39. Member asked whether the worksheds were kept in work constantly. Union staff felt that some were (such as those manufacturing metal products and pallets), but others such as the rope making shed were not so busy. Union members felt that about 60% of inmates worked, but questioned whether the work undertaken (an example was given of painting gnomes) was meaningful or beneficial for inmates.

40. Mr Hornsby said that despite HMP Kilmarnock's problems, he believed Premier Prisons Limited (PPS) to be the best private prison operator available. He believed that there were good promotion prospects at the prison and that the Managing Director of PPS was trying to change the attitudes of the USA side of the company who did not seem concerned about low staffing levels. He felt that PPS had a had a bad history of management and hoped that Serco would take over from Wakenhut, as this would improve the situation. He stated that the USA side of the company was terrible and didn’t seem to want to know about the prison’s problems. He stated that the Managing Director of PPS had introduced a new set of regulations to the prison to improve the conditions but questioned the lack of regulations regarding meal breaks. Mr Hornsby believed that if health and safety officials examined the situation, they would probably have enough evidence to shut the prison down.

Meeting with inmates
41. Members then met with a group of inmates and Mr Tasker. It was mentioned that Mr Tasker met with these inmates (who were a self nominated committee) every week to discuss issues of interest and give feedback to him. Mr Tasker highlighted that this was an unusual action for a prison.

42. Inmates expressed concerned that they could not develop satisfactory relations with staff as staff turnover was high. It was also felt the inmates could not plan their sentences as staff did not have a sufficient level of knowledge to pass onto inmates as they did not stay at the prison long enough. Inmates stated that there should be more staff in the prison and blamed management for not dealing with this situation.

43. Inmates felt that education in the prison was ‘second to none’ and available to all who wanted it on various levels including studying to degree level, although one inmate disagreed and felt that inmates were not encouraged sufficiently by staff.
44. Members asked inmates whether they felt the quality of the staff was sufficiently high. Inmates felt the SPS public staff were much better trained than those in HMP Kilmarnock, and could deal with volatile situations more effectively. One prisoner said that SPS staff would talk to the inmates involved in any such situation and calm them down but HMP Kilmarnock staff would allow inmates to wind themselves up into an even more angry state which aggravated the situation. Inmates stated that they felt substandard and second class citizens compared to prisoners in SPS public sector prisons. Inmates felt that the prison could be much better if it was separated from the SPS as they felt the contract to the SPS stopped information flowing freely.

45. Prisoners also expressed concerns over the health care available in the prison and felt that it was non-existent unless an inmate was a heroin user. This made prisoners feel resentful towards heroin users. Inmates stated that they had to wait weeks before their application for health care was processed, and said that problems escalated rather than being dealt with.

46. Prisoners expressed concern for female staff in what they perceived as a 'man's world' in the prison. One inmate mentioned that he was aware of incidents in the prisoners' showers where female staff had seen inmates naked by mistake which led to embarrassment from both sides although it was thought to be not the inmates fault.

47. However, overall prisoners felt that HMP Kilmarnock was a good prison but insufficient communications from staff caused them problems. Inmates mentioned that they thought that very few of them would want to go to a public SPS prison as HMP Kilmarnock was perceived as an easy place to do a prison sentence. They listed the freedom to do what they liked and cleanliness as good factors of the prison. They felt that the prison was a humane place where prisoners could wear their own clothes, have their own belongings such as TV's, music, etc. Visits were also thought to be good, with facilities for children, although inmates thought that the floor of the visits room could be dangerously slippery for children. The phone system was also praised although some inmates were unhappy that they had to pay five pence every time they phoned in order that the call recipient could receive a message informing them that an inmate of Kilmarnock was calling. Mr Tasker stated that this was necessary as a warning device should some people not wish to receive call from prisoners. Inmates listed the food, education, health, family contact and visits as the five areas where they felt the prison should do more work to improve the situation. Inmates were upset by the bad press that the prison received from the media and were concerned that their families would be worried. Prisoners mentioned that they wanted to view the HMP Kilmarnock contract and had asked for a copy but had not been allowed.

Final meeting with management

48. Committee members finished their visit with a final discussion with some of the prison's management team. Members voiced concerns that the competition initiated by private prisons would lead to ever lower sums of money being charged in bids by further private prisons. Mr Tasker stated that private prisons...
would always assess the situation when staff were taken on, and that overall private prisons had many benefits including specialists working on programmes for prisoners, good security due to camera cover, modern buildings and lower costs due to fewer staff which drove the cost down. Mr Duffy said this should be set in context by adding that staff would always request more staff and were influenced by the media.

49. Members mentioned the inmates’ concerns regarding high staff turnover which was impacting on the inmates’ lives in prison. Mr Tasker accepted that inmates could have to spend some time searching for the information they wanted from staff but believed that in other SPS prisons the staff would deny the request immediately so that HMP Kilmarnock inmates were better off. The management team thought that the staff had required time to develop their own culture in a new prison, and accepted that that staff had less experience than other SPS staff and were learning the trade. It was mentioned that the prison was considering offering in-house development for staff in the future.

50. Members questioned the management team regarding the union members’ comments earlier in the day regarding excessive build up of TOIL hours for staff. Mr Tasker stated that there was now none. Mr Duffy mentioned that there was also TOIL build up at HMP Barlinnie of approximately 6000 hours between 400 staff, and approximately 34,000 hours TOIL build up overall in his operational area, and that this was not uncommon in the SPS.

51. Members asked the management team to clarify the situation regarding understaffing in the prison, and asked whether it was due to any specific factors such as pensions. Mr Tasker stated that employees contributed 3% and the prison contributed 3% to employees’ pension. Mr Duffy mentioned that staff’s pay was in line with the pay rate for the area, and that a reasonable level of staff turnover was not bad. Members asked whether future contracts would specify that there should be more staff than had been specified for HMP Kilmarnock. Mr Duffy declared an interest as he had been involved in formulating the original brief and so felt he was biased in his comments on this matter. He stated that it was unlikely more staff would be specified as the contracts tended to concentrate on outputs. He thought however that the correctional agenda would change as this area had moved forward in Scotland since the HMP Kilmarnock contract was set up. He also thought that any new contracts would take on board what had been learned at HMP Kilmarnock. Members asked whether there were processes in existence to assess and change the contract. Mr Gerrie stated that he reported regularly on potential changes as Controller for the prison, and added that PPS allowed the Director of the prison to suggest ideas for consideration.

52. Members asked how staff were introduced to work bearing in mind concerns voiced to them by union staff that staff were ‘thrown in at the deep end’. Mr Duffy explained that staff were recruited in two categories – custodial and residential. Residential staff were paid more, worked in the halls and had more experience. He stated that it was possible that they might work with little experience but he felt that this was unlikely.
53. Members asked management staff what they thought of the public perception that there were two tiers of prison staff e.g. public and private. Mr Tasker referred the members back to his previous comments on staff conditions and said that this opinion had been formed by those outwith the prison. Mr Duffy agreed that the system was two tier and suggested that to bring the two in line would be costly. Mr Gerrie mentioned that staff who began prison work had the same starting wage of £12,500 in both tiers but he believed staff in the private sector could move much quicker up the scale to a supervisory level.

54. Members asked whether it was possible that the contract for the prison might create the scenario where prisoners were engaged in irrelevant work, e.g. painting gnomes, in order to reach the prison’s performance measures. Mr Tasker replied that all prisoners were engaged in relevant work, inmates had not painted gnomes for 2 years and that he was required to report the SPS Controller on details of work undertaken by prisoners and any lack of work contracts. Mr Duffy emphasized that the prison must report if it didn’t fulfil the requirements for inmates stipulated in the contract. Mr Tasker listed the current inmate work activities as making skips, heavy duty cables, ropes for the fishing industry, disc pads and garden sheds (this last activity being a contract for private customers) with other work being undertaken in the garden and the laundry.

55. Members asked what the differences in remit between a SPS governor and the director of HMP Kilmarnock were. Mr Duffy explained that the Controller for the prison acted as a safeguard and acted on behalf of the SPS to monitor the contract. It was explained that the Controller adjudicates in prisoner discipline staff problems and that only he can do this. The prison director must submit proposals to the Controller if he thinks certain inmates should be locked up and this is then monitored monthly. This controller system was thought to be a good method by which to ensure that an independent judge is present at the prison.

56. Committee members thanked Mr Tasker and all others involved for facilitating a worthwhile and educational visit for Justice 1 Committee members.
8154
17th June, 2002

Jenny Goldsmith,
Assistant Clerk,
The Scottish Parliament,
Justice 1 Committee,
Room 3.11,
Committee Chambers,
Edinburgh    EH99 1SP

Dear Ms. Goldsmith,

Justice 1 Committee Meeting On 22nd May, 2002

Thank you for your letter dated 27th May, 2002 in relation to the above Committee Meeting.

The additional information which I undertook to report back to the Committee, and which you summarised in your letter, is as follows. My bullet point responses follow the same order as those in your letter.

- I have reviewed my papers and can confirm that at no time did SPS attempt to dissuade Kilmarnock Prison Services Limited (KPSL) from making the confidential sections of the contract available to members of the Committee.

- Clause 6 and Schedule N of the Minute of Agreement between the Secretary of State for Scotland and KPSL contain the provisions and information relating to insurance. Committee members had access to this information when they viewed the full contract on June 5th.

KPSL is obliged to keep in full force and effect throughout the duration of the contract (except as otherwise expressly provided) the insurances specified in Schedule N in an amount which is adequate and sufficient to cover the potential liabilities of KPSL arising out of or in connection with the construction of the facility and the services subsequently provided.

Where an insurance provides cover in respect of risks relating to damage to assets, the insurance is to cover all such risks, subject to an excess, and to be to the full replacement value of the assets. However, insurers would review the possibility of subrogation dependant upon the type of damage that had occurred and may seek to recover their costs from a third party or outside agency dependant upon the legal position e.g. if a third-party vehicle were to crash into...
the outer doors causing damage, insurers would seek subrogation from the third-party driver to recover the cost of repairs, after first paying the claim.

During the course of my evidence a hypothetical situation in which a prisoner is injured during their removal from the prison was raised. I confirm that if the injury was caused as a result of KPSL’s staff or the Company’s negligent action, then our Public Liability policy would indemnify them for any compensation payable. Outside agencies e.g. police, SPS staff, who caused injury to a prisoner would be responsible for their own negligent behaviour.

With regard to the ownership of HMP Kilmarnock, in accordance with my letter to Ms. Grahame dated 17th May and Mr. Tasker’s response at the Committee meeting, I confirm that the land upon which the prison is constructed is owned by the Secretary of State for Scotland. KPSL has a lease over the land for the period of the contract. On the date of expiry of the contract, KPSL is obliged to vacate the property and the prison and the Secretary of State for Scotland will regain a full right of ownership to the property and the prison for nil consideration.

The accounting treatment of the property adopted in the KPSL accounts is based on our assessment, as Directors, that the risks and rewards associated with the fabric of the prison were substantially transferred to the customer, following its completion. This assessment was based on Financial Reporting Standard No. 5: “Reporting the Substance of Transactions” – Application Note F.

- Premier Prison Services (PPS) matches the pension contribution made by individual employees, excluding Contract and Corporate Directors, up to a specified limit; currently 2%, rising to 3% from 1st July, 2002. For certain Senior Managers the maximum matched contribution is 5%. PPS does not make a contribution in those instances where an employee chooses not to participate in the scheme. There is a separate scheme for Contract and Corporate Directors.

- The quarterly contract meetings are a requirement of SPS. SPS chairs the meetings and produces the minutes. The Committee’s request for copies of the minutes should therefore be addressed to SPS. For ease, I have copied yours’ and my letter to SPS for them to respond on this issue.

Yours sincerely,

Elaine Bailey
Managing Director
Prison estates review

The Sheriffs' Association was invited to comment on the Prison Estates Review. In our response, all we felt that we could appropriately say was “Our position is that we do not consider that the merits of the various options set out in the paper to be matters in respect of which it would be appropriate for the Association to comment. We would, however, simply wish to observe that nothing ought to be done which would result in any diminution in judicial confidence in imprisonment as a credible disposal”.

In responding to consultation documents and other enquiries the Association is guided by certain principles. Among these principles are (1) that it not in general appropriate that we as judges should comment on matters that are or may be the subject of political controversy and (2) that it is important that we as judges say nothing that could foreseeably compromise the independence, fairness and impartiality that of all us must maintain in the exercise of our judicial functions.

It was largely with these principles in mind that we refrained from comment of the Prison Estates Review.

That said, we should also make it clear that we endeavour, whenever we think we can properly do so, to assist the Executive, the Parliament, and indeed other bodies with an interest in the work of the courts, by offering our observations, based on our knowledge and experience, whenever we consider that to do so would be helpful.

For these reasons, we think that, while we can answer your questions, we should do so in fairly narrow compass.

By statute, in many cases, and in practice in almost all cases, the courts do not impose prison sentences unless they are of the opinion that no other means of disposing of the case is appropriate.

It follows that if there is an appropriate means of dealing with the case, other than by way of imprisonment, that alternative means will be chosen.

Obviously, the more appropriate alternatives to imprisonment there are, the more they will be used and that ought logically to result in fewer people being sentenced to imprisonment. If there were more appropriate alternatives to imprisonment, there would be less need for prison places.

It is true that if alternatives are to be regarded as appropriate they must be “credible”. The court has to have some confidence that the community service order will commence, that the probationer will be supervised, that the offender will attend the rehabilitation course or whatever. There is inevitably some judicial scepticism about an alternative to imprisonment. Often this is based on the previous history of the offender. If all available alternatives have been tried and the offender has not co-operated and has continued to offend, then a prison sentence becomes inevitable. To a lesser extent, sheriffs are discouraged from selecting alternatives if there is a problem with the way the “alternative” is being
run, e.g. if there is likely to be a delay in the commencement of community service, for example, or if it appears that non-compliance by the offender will not be rigorously and speedily dealt with. These problems do cause difficulties, from time to time, in different parts of the country, and there are some times they are more acute than at others. Whether they are caused by “lack of resources” is not a matter on which we feel we can appropriately comment.

Not all alternatives to custody are available to all courts. Newer forms of disposal, such as electronic tagging and drug treatment and testing orders, have been hitherto been available only to pilot courts. When these and other alternatives become generally available, it is likely that more use will be made of them in cases where as matters stand prison sentences are imposed.

The Association does not think it appropriate to express a view on whether or not “short sentences” should be restricted or phased out. That seems to us to be a matter on which there is likely to be some political controversy and should be a matter for Parliament. All we would say about it, in reply to your enquiry, is that it should be borne in mind that in general, as we have said, no one is sentenced to prison unless it appears to the court that there is no other appropriate means of disposing of the case.
Dear Ms Grahame

RE: CLARIFICATIONS FOLLOWING GRANT THORNTON'S EVIDENCE TO THE JUSTICE 1 COMMITTEE ON 11 JUNE 2002

We are grateful for the invitation to give evidence to the Justice Committee 1 in relation to our report on the Scottish Executive’s Consultation Document on the Future of the Scottish Prison Service Estate.

You asked that we respond on the specific issue of why there was such a marked difference between the costs of the PPP Private Build Private Operate and the PPP Private Build Public Operate options contained in the PricewaterhouseCoopers (PwC) Financial Review Report.

As a general comment, and to reiterate the point made we made in giving our evidence, there is very little detail included on the costs shown against each option and therefore it is difficult to understand the reasons for the magnitude of cost differential. Nevertheless, we have the following comments.

- The Public Sector Comparator and PPP Private Build Public Operate capital costs are based on historic cost information from the HMP Kilmarnock scheme. We believe that this is a flawed approach for development of a public sector comparator.

- The Peterhead Prison scheme is complex in nature and should be based on bottom up costs developed from an up to date project specification and costed by appropriately experienced quantity surveyors and not from historic data.

- The HMP Kilmarnock costs have been adjusted upwards to reflect the costs of a 700 place prison rather than the 500 places actually built. No information is given on how this was done other than in the context of "certain functional areas have been increased to reflect a prisoner population of 700".
We believe it is not good practice to base cost estimates on one scheme only because the costs could be skewed by the particular characteristics associated with that scheme.

An amount of 9.2% has been added to reflect the value attached to the PSC retained risk. If the baseline was HMP Kilmarnock, priced on the basis of a PPP contract and therefore the acceptance of the risks contained in that contractual agreement, these risks would need to be removed first before adding back the PSC risk, otherwise there is a real danger of inappropriately pricing risk.

The operational costs represent the single biggest cost item in the NPV analysis of the PSC and PPP Private Build Public Operate options. They are based on HMP Perth, HMP Shotts and HMP Edinburgh. Although alluded to, there is no clear indication of how the costs have been adjusted to take account of modern operational practices within prisons including flexible staffing systems and use of security and IT.

The PPP Private Build Public Operate option adopts the PSC as its base case. Three further scenarios are modelled including an adjustment to take account of the same capital costs as the PPP Private Build Private Operate option. Only the NPV impact is disclosed, not the change in capital expenditure. This scenario is then used as the basis for two further scenarios showing a reduction in operating costs of 10% and 20%. There is insufficient evidence to substantiate these costs.

The PPP Private Build Private Operate is based on the historic costs of six PPP prison schemes. Costs for two earlier schemes were available but were excluded on the basis of pre-dating the introduction of prefabricated, modular approach to prison construction which was used on the six other schemes. This had the effect of significantly reducing capital costs which were much higher for these two earlier schemes. We believe the use of historic costs for the private sector option is again flawed, because it takes no account of recent developments, such as at Yarlswood, which are likely to affect risk pricing by bidders and their funders.

As we stated in our report, the cost differential between public and private sector options was much smaller at the time the schemes were approved than is projected in the PwC Report.

The option appraisal should consider three generic options which are as follows and which should be costed on a bottom up basis:

- PSC Design, Build and Operate
- PPP Private Build Private Operate
- PPP Private Build Public Operate based on a soft marketing exercise to determine the structure and likely risk pricing associated with such a procurement
We believe that it is highly likely that a robust structure could be achieved for a PPP Private Build Public Operate option for Peterhead Prison. At this stage we are not able to state with absolute certainty that it would be commercially acceptable to the private sector and be capable of achieving an off balance sheet outcome for the Scottish Prison Service.

Once a clearer understanding emerges of the particular project structure that is commercially viable, we will be better placed to make a more definitive statement.

We trust that the above information deals with the issues we were asked to address, to the Committee's satisfaction.

Yours sincerely

Peter Cutler
Partner
At the Committee session on 6 June, I suggested that it would be helpful if I were to give to the Committee a written response to the reports by Grant Thornton and Peter McKinlay that have been submitted by Aberdeenshire Council as part of their response to the Executive’s proposals for the future of the prison estate.

I am writing to confirm that it is indeed my intention to submit such a response. However, the documents were only recently received by the Executive. In particular, the Grant Thornton report was received by officials less than a fortnight ago; and since then we have received from them a further letter on accounting treatment issues that also needs to be taken into account.

As I explained in my evidence to the Committee, the documents require careful study. That work is currently underway. It is only fair to all concerned that the reports be considered thoroughly and properly, and so I am not yet able to provide the Committee with a formal response to them. However, I will do so as soon as possible.

Yours sincerely,

JIM WALLACE
During the Justice 1 Committee meeting on 11 June, the Committee asked that I confirm whether or not the Executive was invited to attend the Home Office convened working group on disguised knives. The group, which met once, was set up as a matter of urgency to develop proposals on disguised knives following approaches to Home Office Ministers by the Chief Executive of the British Airports Authority (BAA).

The Executive was not invited to join the working group but we are satisfied that the group had the necessary expertise to develop a satisfactory definition of disguised knives and that there are no separate specific Scottish aspects to this work. The Executive fully supports moves to prohibit the sale, manufacture and import of disguised knives, particularly given the events of 11 September. We took the view that a common, UK approach was essential in this area when consulted on the proposals which came out of the working group.

RICHARD SIMPSON
JUSTICE 1 COMMITTEE

Visit by members to HMP Edinburgh

Note by the Clerk

1. Members of the Justice 1 Committee visited HMP Edinburgh on Monday 6th May 2002. The members representing the Justice 1 Committee were Christine Grahame (Convener), Maureen MacMillan (Deputy Convener), Lord James Douglas-Hamilton, Michael Matheson and Donald Gorrie. Stewart Stevenson was also present in his capacity as a MSP interested in the Prisons Estates Review.

2. This note provides a factual account of the visit to HM Prison Edinburgh by members of the Justice 1 Committee.

Introduction

3. The Deputy Governor, Head of Custody, Mr Bill Middleton, formally welcomed members to the prison on a fact-finding visit in relation to the Scottish Prison Service Estates Review.

4. Mr Middleton spoke to MSP’s informally regarding prisons in general. Mr Middleton advised members that Mr Rod MacCowan, the Governor in Charge, was not available due to an incident at HMP Low Moss, as Mr MacCowan was the commander at the incident and was providing currently holding a debriefing meeting. In such situations the SPS shared its incident units and HMP Kilmarnock also assisted to alleviate the situation.

Background

5. Prisoners at HMP Edinburgh are mostly from the Lothian & Borders area, as well as some parts of Fife. Those in the central areas of Scotland are generally sent to HMP Barlinnie. When a Sheriff sentences the prisoners they stipulate a receiving prison, but the SPS do have an option to move the prisoner.

6. The capacity of HMP Edinburgh is 579 prisoners but may potentially hold 700 plus prisoners by the end of the week of the visit, due to increased sentencing and cases being held over from Monday 6 May as it was a public holiday. At lock up on Monday 6th May 2002 there would be a total of 779 prisoners giving an over capacity of 35%. HMP Barlinnie was expected to have a similar over capacity in the region of 37%. The new house block, which is part of the HMP Edinburgh 10-year plan, started construction in 2001 and will have a capacity for 284 prisoners. This is not expected to cure the over capacity as it will replace the older Victorian house blocks which will be demolished. Work on the new block is expected to start in the summer of 2003.

7. Mr Middleton told members that HMP Edinburgh had a cost per prisoner place of £21,500, which is below the SPS average of £27,000.
8. The establishment has capacity for 77 ‘top end’ prisoners (those nearing the end of their sentence) within Pentland Hall. Such prisoners received Specially Escorted Leave (SEL) work programmes in garden centres to assist them in obtaining a lower security status (access to open prisons) and then release. The prison provides for around 12 serious sex offenders. HMP Edinburgh is one the establishments which takes pre-release prisoners from HMP Peterhead. One-day placements are available to these pre-release prisoners which are then extended if they are assessed as posing no danger to the community.

9. Those in Pentland Hall are allowed to return into the community to help de-institutionalise them e.g. by getting them into the practice of buying bus tickets. The prisoners also assist outside organisations and events such as the Christian Society Book Fair. Few have absconded when performing such activities, with the last being in the early 1990’s.

10. HMP Edinburgh comprises of 8 accommodation Halls. Alpha, Bravo, Charlie, Delta and Echo Halls are old style Victorian gallery type Halls. Alpha Hall is the induction Hall for convicted prisoners. Bravo Hall is the protection Hall and contains sex offenders and young offenders, because of the overcrowding situation, although prisoner officers avoid letting them mix. Charlie Hall has been temporarily closed due to a lack of sanitation facilities and Echo Hall is the Drug Free Environment Hall, however this is temporary accommodation. Echo Hall does have access to night sanitation; prisoners possess keys to their cells although prison officers have an override or master key. Echo Hall does not, however, have its own in-house sanitation. Forth, Glenesk and Pentland Halls are a more modern type of accommodation. Glenesk is new style housing block for untried prisoners.

11. The prison has a Throughcare Centre which builds relations with the community and assists the prisoners during their incarceration by reducing isolation. Organisations such as APEX Scotland and Single Homeless work within the Throughcare Centre along with the Cranstoun Drug Rehabilitation Group in an attempt to reduce the re-offending rate.

12. APEX Scotland in conjunction with HMP Edinburgh, organise a job fair and invite local employers to the prison. Of the 50 employers in attendance, 35 were interested in the process of employment of prisoners, which encouraged the prison to think about organising another fair. The idea behind the fair was not just about ‘getting prisoners jobs’ but to reintroduce the prisoners to responsibility and endeavour to normalise the prisoners as part of their rehabilitation process.

13. The Throughcare Centre is a ‘one stop shop’ which provides induction for between 35 and 60 prisoners per week on average. The induction process is done in the first week of the prisoner’s arrival and involves visits to the local chaplain (if wished) and Social Work, a risk assessment and work allocation. Even if a prisoner has been through the throughcare process on a previous stay, they will repeat the process every time they return to HMP Edinburgh. The prisoner can make appointments with the local Housing Department via the Throughcare centre. Many prisoners have problems with their tenancy or are
deemed a ‘bad tenant’ by the Local Authority while they are incarcerated. Throughcare assists prisoners so that they do not lose their council house. The Throughcare Centre was one of thirty recipients of the Butler Award out of 290 national nominations.

**Tours of Halls and Services**

14. The visiting members had the opportunity to tour the prison facilities. The group visited reception, Alpha (A) Hall, Bravo (B) Hall, Glenesk House, the Segregation Facility, Throughcare Centre, Programmes, Visit Complex and Delta (D) Hall.

**Reception**

15. The Reception Manager met Committee members at the reception area. This was deemed as one of the busiest places within the prison complex, as all prisoners came through that area either on their first visit or on return from court. On average there are 25 officers required for escort duties but numbers can be as high as 36 officers. Such escorts may have to travel to Inverness or Aberdeen Court and back, which impacts on the number of officers available for operational duty.

**Reception**

16. All prisoners, whether on first visit or return from court, are assessed for suicide risk by medical staff within the reception. Particularly as a prisoner attending court may expect release, and could unexpectedly be given a custodial sentence, thus possibly affecting a prisoner’s mental state. This process may take up to an hour and is dependent on how busy the reception is. A medical inspection can take between 20-30 minutes as there are only 3 showers and 3 changing rooms in reception and again depending on numbers of prisoners. Members were told that the personnel staffing the reception area had ‘many years experience’ of prisons and though the staffing levels are at a set quota they can control the flow of prisoners through reception when necessary if problems arise.

**Alpha (A) Hall**

17. A Hall houses convicted prisoners and is the induction Hall. A Hall also contains some untried prisoners. On the day of the visit, there was estimated to be around 55 remand prisoners (there is an estimated total of 250 prisoners on remand within HMP Edinburgh) and 55 convicted prisoners in A Hall due to overcrowding.

18. The capacity of A Hall is 130 with prisoners doubling up or singles cell provision for 70. There is no in-house sanitation and all prisoners slop out. Those in A Hall on remand are housed until space becomes available in Glenesk Hall, usually a week, but occasionally longer. Prisoners have access to a telephone on the second floor gallery and can get a special card for this purpose with a £6-8 call credit. The convicted prisoners, aged 21 and above, go to B Hall when space becomes available which can take on average of 3 or 4 weeks. At the time of visit there was a remanded prisoner 16 years of age held in A Hall. The prison was attempting to move him to Glenesk Hall as soon as possible. If a prisoner is deemed to be young and vulnerable they will be sent to B Hall with other protected prisoners.
19. Members inspected a prison cell in B Hall. It contained 2 beds with poor quality bedding, a cupboard and chamber pots. The reason for the poor quality was explained to be due to overcrowding, meaning that all available resources had to be.

20. Members spoke to a prisoner who had been in Glenesk where he had a single cell. Now that the prisoner was in A Hall, he shared a cell and had no power or access to a television; though the latter was of little concern to him.

_Bravo (B) Hall_

21. B Hall held 128 prisoners at the time of the visit, of which 70 were sex offenders. Generally these prisoners were serving 4 years or less. Those sentenced for 4 years or above normally transferred to HMP Peterhead. The intention was to get all sex offenders to HMP Peterhead, due to lack of space however at Peterhead, transfer can take between 3 and 6 months. The purpose of B Hall is to provide a protected or safe facility for vulnerable prisoners. Prisoners may be at risk because of prisoner feuds, or could be under 21 years old untried prisoners, or those assessed as at risk of suicide. The Hall contains 3 ‘anti-suicide’ cells. These cells contain very little other than a ‘safe’ mattresses and blankets. Windows are made of perspex and there is a call button should prisoners need attention. Those placed in suicide cells are checked regularly and these checks are recorded.

22. At the end of the gallery is an 8 bedroom secure dormitory for older prisoners, those who have completed 30 years and above. The dormitory housed 8 long-term sex offenders within a reasonable amount of space. They had access to power and access to a television and a video. The prisoners were making labels at the time of the visit.

23. Staff raised concerns about the problems they encountered trying to separate those held within the protection Hall, while trying to run three regimes in one large open space with no capacity to segregate. It was suggested that the proposed new Halls would make a difference.

24. The STOP 2000 programme was run at HMP Edinburgh but the programme collapsed due to the low sex offender numbers held within the prison complex. As soon as they managed to get the programme up and running a prisoner would be moved from the prison to HMP Peterhead and the course would no longer be viable.

25. B Hall, like A Hall, is a Victorian gallery type Hall and has no power or sanitation. [There are problems maintaining segregation in the Halls due to limits on prison officer time and recreation facilities available]. The groups do mix, the situation is not ideal but it has not caused any problems to date. Officers attempt to keep those aged under 21’s on the ground floor and those non-sex offenders under protection are warned about intimidating the sex offenders. A prisoner can request protection which the prison is obliged to provide as part of their duty of care. Whilst on protection the prisoners are offered education and work. Those under protection are given particular work duties such as laundry or cleaning.
Staff?? said this was unlike other establishments, which locked up those under protection for 23 hours. Each Hall had its own exercise area so there was less concern about incidents during exercise periods.

26. Members were able to access the upper gallery of B Hall. Members inquired about the employment of the prisoners within the prison. Prisoners could undertake engineering, paint spraying, gardening, woodwork and kitchen work. The prison also operates a wood recycling initiative.

27. Full and part-time education is on offer through Scottish Vocational Qualification (SVQ’s) modules in painting and decoration with a local company ‘outing’ the prison for qualified prisoners due for release to help during its peak periods. Also on offer was an SVQ in catering and food hygiene. All prisoners involved in the distribution of food within the prison need to participate and pass the food handling and hygiene one day course before they can work in that area.

28. Hygiene in the prison is a priority due to the ease with which infection and disease can spread. Different coloured equipment is used for differing functions and areas within the prison to stop any cross infection between such areas as the showers and toilets.

Glenesk Hall
29. Glenesk Hall is a 125-place modern house block with 6 sections, on 3 floors. The section members visited contained 56 inmates between the ages of 16 and 21 years old who were on remand and previously housed in B Hall. The inmates were housed in ‘flat style’ accommodation with most of the prisoners two to a cell. Due to the design of the Hall it is possible to divide it into 3 sections by closing the separation grills. The Hall provides pool tables and table football for the inmates use.

30. Committee members observed that the remand prisoners were sitting in the large corridors of the Hall, chatting and relaxed. The Hall is fitted with CCTV which provides continual motion replay rather than single frame which can miss out incidents. The prison officers noted that the Hall was the worst for prisoner on prisoner assaults with the modus operandi being 2 prisoners entering a cell to commit an assault. The officers are alert to this practice and maintain a careful watch for the possibility of such incidents. The young offenders are known to act differently to their adult counterparts. A prison officer explained that whereas an adult would think before they acted or carried out an assault, young offenders would just act and think later.

Segregation Facility
31. The segregation facility houses 14 single cells in a new and up to date unit within a dedicated area of the prison. The prison is allowed to move prisoners under Rule 80 of the Prisons and Young Offenders Institution (Scotland) Rules 1994, which relates to the Governors order of removal from association which includes bullying, drugs, assaults and so on. A prisoner can be detained within the segregation unit for between 72 hours and a month. If the prison wished to hold the individual in segregation for over a month, they would have to re-apply for Scottish Ministerial approval. Housed in the unit at the time of visiting were
prisoners from HMP Shotts and HMP Low Moss who were involved in incidents at those establishments. The segregation unit at HMP Edinburgh, along with HMP Perth, has been given national facility status and acts as a ‘deportation’ point from other prisons.

32. Those officers who serve within the unit are all volunteers. They receive specialist training and are highly experienced. Should any incident occur within the unit, the segregation unit staff are the first to respond. The officers wear a more casual uniform which is designed with the intention of facilitating communication between the prisoner and the prison officer whose task it is to resolve the issue which led to segregation.

33. There are no major differences between a prisoner in segregation and one in general population except they are not allowed to associate with other prisoners. There are 3 officers present when a cell is unlocked or a prisoner is being moved. This is to deter assaults. In the last 3 years, 850 prisoners have been through the segregation unit without incident of assault.

34. The unit is not a ‘lock down’ facility, as the prison officers wish to address the prisoner’s problems to get them back into the general prison population. Reports provided by both the Throughcare Centre and Social Work will determine if a prisoner is fit to return to the general population. Those on short sentences appear to be the main problem group.

35. The unit is, in general, bright and well lit, with 3 exercise yards provided for prisoners. The yards are enclosed with wire mesh over the open roof space and are designed with clear sight lines for the officer on watch. The access door is made of Perspex to aid visibility. Those within the unit have power within the cells as well as access to public telephones, a medical room and a microwave. The cells have a solid desk and chair which are bolted to the floor, access to toilet facilities, fitted with an emergency call button and prisoners are able to control their own light switches.

36. The unit is used as a ‘time out’ facility when prisoners ‘rear up’ for one reason or another and the cells can be used to allow them to calm down. Those entering the segregation unit must be drug free. If prisoners involved in a ‘dirty protest’, will have a cell allocated to them in this unit. The prison officer has no contact with the prisoner except for an interchangeable Perspex viewing area and a box into which the officer will place any food. If the prisoner does not return the plastic cutlery they will not be issued with another set. These cells are very rarely used.

Throughcare Centre
37. The Throughcare Centre works as part of the induction and education process within the prison regime and conforms to the SPS mission statement. The prison attempts to make the centre as accessible as possible. A direct phone link to those on remand in Glenesk Hall has been running for about a month. The link was set up due to the low number of referrals coming from Glenesk Hall. The prisoners attend the Throughcare Centre of their own volition and are always welcome. The area is well maintained in general and is respected by the prisoners.
38. The Throughcare Centre provides a partnership working process whereby groups such as Lauder College, ECSH (Edinburgh Campaign & Services for Homeless People), HOPE (Helping Offenders Prisoners Families), APEX Scotland (who have 5 full time workers at the prison), Housing and Social Work Services and Cranstoun Addictions are all made accessible to the prisoners. Force or coercion to persuade prisoners to attend the Throughcare Centre is not used. They assist the prisoners when they are ready.

39. The Throughcare Centre has been running for 3 years and deals with induction numbers of up to 40 per week, with 20 attending on the day of the committee’s visit. The Centre’s role is to assess prisoner needs and deal with them accordingly.

40. Agencies such as HOPE attempt to help offenders and prisoners families while they are in the prison and have dealt with 70 prisoners in the first three months of 2002. In general, HOPE deal with prisoners on arrival and before release and is supported by 11 workers.

41. The Throughcare Centre has been designed to look like a place of help rather than a prison, it is brightly decorated and mission and value statements are displayed prominently throughout. Prison Officers also make prisoners aware that they are there to help and assist, as well as to maintain order.

Throughcare Centre Staff
42. The Members chatted with the Throughcare Centre staff. The priority of the staff is to rehabilitate the prisoner in terms of their drug use, then assist them towards employment which is deemed to recondition the prisoner (it was suggested by Throughcare Centre staff that a prisoner with a job on leaving prison is less likely to re-offend).

43. The staff told Members that there is no incentive for an employer to take on a prisoner. Because the ‘New Deal’ scheme is available to all job seekers, prisoners can also access the programme. To improve the prospects of the prisoner, the Throughcare centre run an SVQ1 Job Seekers Course and run mock interviews in conjunction with Standard Life. The prisoner can also gain a reference from their workshed line manager if required.

Visiting Facility
44. The general visiting facility is a bright and open area with a children’s play area and access to high chairs if necessary. CCTV cameras police the area but staff are also on duty.

45. A visitor screening process is provided by the Womens Royal Voluntary Service whereby each visitor is photographed, fingerprinted and given a pass called VisFinger which confirms the visitor identity and makes access easier and quicker. If this ID card is not carried, the visitor can expect processing of the visit to take 20 minutes on each visit. No screening for drugs is undertaken for visitors but bags are X-rayed for contraband and weapons.
46. Staff patrol the visit area to make sure it is safe for the visitor and the prisoner. The staff are experienced and observe the body language between the prisoner and visitor and judge if the visit is safe. If any problems occur the staff will intervene and will help to facilitate the visit. An Officer raised the point that the visitor area can have problems with tribalism (east coast versus west coast) and have, on occasions, had problems where sex offenders and their visiting families receiving verbal abuse.

Closed Visiting:
47. The closed facility has space for five closed visits. The area consists of a long desk with a full glass partition separating the prisoner and visitor. CCTV is placed on both the visitor and prisoner side of the partition and conversation is through speakers mounted in the desk. The closed area is generally for those imprisoned for drugs or gangland offences. For the violent prisoners a single visitor room is available in the segregation unit.

Agents Room
48. This an ambient, open and bright area, with no bars in the windows, and 15 meeting rooms off the main room all of which have a clear line of sight for prison staff. This area has full disabled access and is used to allow the prisoner to consult with their solicitors and legal teams.

Lunch with Management
49. It was noted that a great deal of incoming prisoners have serious problems. In one month of admissions to HMP Edinburgh, 80% of prisoners tested positive to drug tests. It was felt that many of those entering the penal system were suffering from abuse, poor mental health and many displayed signs of poor literacy and numerical ability. Management admitted that there is a great deal of medical problems within the prison. The SPS employ the medical staff but agency staff fill any gaps that appear within the system in terms of staffing.

50. The management believed that the prison is dealing with more ‘care in the community’ cases, those who had been released into the community and committed offences. The prison system helps in these circumstances as it can provide a safe and secure environment with medical attention nearby.

51. A concern raised by the management was the need for effective links into the community. If a prisoner is rehabilitated by the prison regime and released back into the community, rehabilitation tends to fall apart as the prisoner cannot get a job and falls back into the cycle of offending. Greater finance for the Throughcare Centre would assist in getting those links and would give prisoners more chance of gaining and maintaining employment.

52. The management raised the issue of finance in regard to the segmentation of the justice system where the police, courts and prisons have to compete for the same budgets. The lack of integration was also noted for the sentencing agencies such as Sheriffs who may not be aware of what work prisons are undertaking in terms of rehabilitation programmes. An increase in prisoner numbers impacts directly
on the regime of the prison and its ability to deliver the regime, including programmes.

53. The management team said that research into prisons in the USA has provided a great deal in terms of treatment of drug addicts within prison. The US research indicated that by keeping the addict on a treatment programme, the offender would be less likely to take drugs or re-offend. Finland was cited as a good European model with items of good practice though serious political ramifications. The Canadian model is one that HMP Edinburgh utilises. This model focuses on cognitive skills, problem solving and anger management amongst others. Under this model the prison officer delivers the programmes providing both role enhancement for the prison officer and making the relation between officers and prisoners a more positive one. The models being undertaken in Scotland, which have the integrated approach where the prison officer is at its heart, are being viewed very positively by those in Scandinavia.

Open Meeting with Staff

54. Staff raised the question of prisoner escorts. These were seen as a drain on manpower and resources. They understood that the Scottish Prison Service had consulted with the police and were considering putting the task out to tender. The groups indicated that a separate dedicated escort group exists within the Prison Service of Northern Ireland and such a group would make great sense for Scotland also. Allied to this point was the transporting of prisoners to courts all over Scotland for a 10-minute hearing when this could be done via video link similar to that which exists at the Garvey in Northern Ireland.

55. Concerns were raised about the SPS health programmes. These programmes were causing an overload within the health facilities especially for detoxification programmes. Glenesk Hall has on average 60-70 prisoners on detoxification programmes with around 168 prisoners in total throughout the prison complex. The health staff appear to be spending most of their time implementing detoxification to the detriment of all other health programmes. Interaction between nurses and prisoners has been reduced as the number of prisoners receiving detoxification have risen from 1200 per month to over 6000. The health staffing levels are not at their full compliment with the shortfall of six being made up by agency staff. Even with the agency staff in post, they are regularly one or two nurses down from their full compliment of twenty. There is a situation where the agency is not able to fulfil their contract. Many nurses only serve for a short time until they get posts elsewhere, as SPS nurses have a lower pay in comparison to NHS who receive an unsocial hours supplement.

56. Members noted that there was difficulties with the contracting of doctors. Staff reported that it was a ‘nightmare’. If a doctor reported sick, then the Med-Ax agency was unable to get a replacement in time. This caused disruption to both the medical programme and to prison and medical staff as appointments would have to be re-arranged causing an operational headache for staff. Prisoners must see a doctor within 24 hours of reporting an ailment, but under the present circumstances this is not always possible and such targets cannot be met. The prison is able, however, to meet its medical requirements for the reception of prisoners.
57. Mental health programmes were suffering due to inadequate staffing resources and like many other services were run at a minimum. Referrals were completed within 24 hours but now can take between four and six days.

58. The prison had intended to start a personal officer scheme but this has to be put back due to staffing resources. It was stated that an officer in A Hall (the induction Hall) would not have time to address any problems or issues that would arise with a prisoner. The Prison Service of Northern Ireland was able to interact more with prisoners and manage them through their sentence due to more ‘spare time’ being available.

59. The issue of social work cover arose. Cover was viewed as being inadequate for the prisons needs. Surgeries were held in the morning and afternoon and involved a great deal of work for the prison officers in escorting prisoners back and forth. Again, the issue of staffing levels became apparent with one prison officer opening up 50 or 60 prisoners for their recreational period, and 80 to 90 prisoners being under the attention of only three prisoner officers in the Hall. Staff voiced their concern at this and felt vulnerable when such situations occurred. Such situations are becoming more and more commonplace and management state there is no one to assist. If the prison was overcrowded previously staffing levels would be increased to help, but this is no longer happening. It was noted that the SPS have no minimum staffing numbers per prisoner population. The prison officers cannot hold the prisoners in the cells due to the possible tension that would create, which in turn could lead to riots. It also has an effect on staff morale as they cannot rehabilitate the prisoners, nor do they feel they can create a safe environment in which to work.

**Delta (D) Hall**

60. D Hall houses those sentenced for between a few months to life imprisonment and is a voluntary drug free Hall in which those in the Hall undergo extra drug testing for which they receive privileges such as a microwave, a toaster as well as a snooker table. The Hall was converted to provide sanitation but also has power. It contains anti-suicide cells and can house a total of 127 and had a prisoner total of 122 on the day of the visit.

61. As HMP Edinburgh is the local prison it does not have a ceiling for prisoner numbers, and if it has reached its capacity and more prisoners arrive, then it has to accept them and find them room.

**Meeting with Prisoners**

62. Members met six prisoners from D-Hall. No prison officers were in the room.

63. One prisoner raised concerns about the rehabilitation process in prisons. He was serving 22 years and had never seen or been on any rehabilitation programmes. He understood that the SPS was attempting to reintegrate the prisoners into society but he thought that it appeared to be only words with little concrete evidence.
64. Another prisoner has spent 15 years on short sentences of 3, 6 and 9 months and had also never been on any programmes. At the time of the visit, he had gained access to a programme but was due to be released in 6 weeks. Prior to release, he claimed to have had no help and is of the belief that he will be homeless once he steps through the prison gates. This was his first time through the Throughcare Centre and he felt it has failed him. Edinburgh Council won’t assist him because he owes them £1,000 and SACRO have stated that because he is drug free he can look after himself.

65. It was mentioned by the prisoners that those within the work sheds have been standing idle and are not actually doing any work but instead are playing cards. They stated that one prisoner due for release soon had been watching TV for 19 weeks.

66. A third prisoner had undertaken programmes and gained access to APEX Scotland three weeks prior to release and was set up with a job. He had problems getting housing advice but has been assisted by SACRO, APEX Scotland and prison social work. He had a drug councillor who has contacted him while in prison, and has done so for 3 years and will be available to him on release. In his opinion, the drug courses undertaken by the prison do not work, as it is not a true detoxification programme.

67. A fourth prisoner also told members of his housing problem. Due to personal circumstances he is unable to return home. On a previous occasion he had had to move into a B&B for which he had to pay for, then claim expenses which were paid four months later. Such a process was stated to be costly, unaffordable for the prisoner and not acceptable by the B&B.

68. Members mooted the concept of a hostel and the prisoners supported this. A hostel would provide accommodation for prisoners and would enable access to support services.

69. All prisoners felt that the system of personal officers was not working and is heavily dependent on a positive prisoner and prison officer relationship. In terms of medical treatment it was noted that prisoners are only allowed one sick day per week and that they were also concerned with the medical facilities, staffing levels and dispensing practices.

Programmes

70. Members met with the Manager and Co-ordinator of the Programmes along with the Healthcare Manager. It was suggested that roughly between 1 in 5 prisoners received by the establishment had some form of learning difficulties and for such reasons the programmes offered attempted to address problems of self esteem.

71. Cranstoun Drugs Services carry out the drug assessment of prisoners and have allocated 8 caseworkers for the task. As part of the addictions and healthcare strategy, they assist with the prisoners first 12 weeks after release.

72. The Healthcare Manager stated that those who have tested positive for drugs on entry to the prison those who do not have a doctor’s prescription and are not on
the methadone programme. The healthcare staff offer the 18-day detoxification programme which is intended to wean the prisoner off drugs slowly using an opiate (Di-Hydro-Codine) which is given to heroin addicts. If a prisoner is on a methadone programme, and this has been checked with the GP, then they will continue with this programme. Last year there was no detoxification programme and the only item on offer was a ‘symptomatic detoxification’ (treating the symptoms not the cause, for instance stomach cramps). Now the healthcare team is dispensing 150 medications twice a day.

73. The concern was raised that the detoxification programme was taking up the majority of the health staff time to the exclusion of other health issues. There has been no increase in the staffing levels to cope with the demands made on the service and it was noted that to run the health centre properly they would need 20 nurses (RGN’s) and at least 3 auxiliary staff. At the moment they are working with 17 staff in total with no auxiliaries.

74. The detoxification programme was considered a good idea but it lacked the resource support to carry it and other health programmes out. The detoxification programme along with mandatory drug testing of 10% of the prisoner population along with harm reduction programmes (methadone) has reduced drug taking within the prison.

75. Once a prisoner has been stabilised Cranstoun provide a comprehensive assessment and highlight the areas of need and then refer them to the appropriate programme be it cognitive skills, drug knowledge and awareness etc.

76. Though a majority of the effort has been on drugs abuse the prison does run programmes on alcohol education awareness as many violent and sexual offences are related to alcohol. The prison has forged a link with Edinburgh & Lothian Council on Alcohol.

77. The prison runs cognitive skills and sex offenders programme along with other programmes, of which 3 have on site accreditation. Locally created modular programmes are provided on drug education, relapse prevention, anger management, alcohol awareness, first aid, harm reduction and drug watch. The latter challenges those who do not want to address their problem with drugs.

78. Access to the programmes can be via self-referral and the courses are run depending on numbers. Those prisoners serving short-term sentences or those under 21 are very difficult to get on to the programmes, however, there are 8 under 21’s on the programmes. The cognitive skills programme has 30 prisoners on the waiting list and the local drugs programme is running with 10 prisoners and there is enough interest to run a new course. Concern was raised with regard to staffing levels, which is affecting programme delivery. Problems also occur with prisoners who only attend courses because they have been directed to do so by the parole board. After the completion of the programme, the delivery staff do not see this group again.

79. Again, the programme staff raised concern about of prisoners receiving rehabilitation and support within the prison environment but not receiving any
help after released causing ‘boomerang prisoners’ whom return to the cycle of offending and end up back in prison again.

80. The prison provided copies of the SPS information leaflet entitled Edinburgh Prison Substance Misuse Services and a SPS note on Addictions Services: Casework and Transitional Support.

Debrief
81. The Governor, Mr Rod McGowan and the Deputy Governor, Mr Bill Middleton, discussed the visit with Committee members.

82. Members raised concerns about the length of time (12 years) that the SPS were quoted as taking to build a prison. It was indicated that a new section similar to Glenesk Hall has already been started with completion expected in June 2003. Such a new block would have access to power and in cell sanitation as well as heating supplied by the central prison boiler. Though the prison has only one gate another one for building access was created for the building of Glenesk Hall so this was not viewed as a potential problem to any building and renovation work.

83. A suggestion was made by the Governor that a possible saving could be made by the SPS through a change in the deployment of Prison Officers. Lower grade security staff could perform guardhouse duties, van checks and so on. This would release prison officers for programme tasks and personal officer roles. The issue of escorts is known to the management of the prison and plans have been made to tender out the process. At the moment the prison has 22 dedicated escorts but often have 30 escorts to perform. The prison officer performing the escort role has been seen as helpful especially when the prisoner has an issue with the police. The escorted prisoner may also be known to the prisoner officer who would have an understanding of the problems the prisoner faces and this would assist the escort.

84. The Governor noted that the problems raised during the visit regarding the health care programmes were down to a greater number of career development opportunities occurring outwith the prison service. Many nursing staff use the prison as a springboard where they could gain experience and then move on. Recruitment was not viewed as a concern but retention of staff was.

85. Members raised the matter of social work provision within the prison. The Governor commented that at the date of the visit no social work provider had been identified and the SPS had attempted to enter into a service level agreement unsuccessfully. Edinburgh Council appeared to be the only future provider but in the interim the SPS social work advisor has set up an agency team.

86. The allegation that the prisoners in the worksheds had no work to do was refuted by the Governor. The situation regarding work was healthy with between 150-200 prisoners going to work in the gardens, kitchens and sheds.

87. The concern raised by the governor was that those entering the worksheds had very little, if any training as the prison had problems with staff turnover in the
sheds, which affect the training provided. Instructors are prison officers primarily but generally have backgrounds in trades which allows them to take roles which entail setting up the machinery and observing it’s use.

End of Visit

88. Committee members thanked the Governor, Mr Rod MacCowan, Deputy Governor, Mr Bill Middleton and all the staff involved for facilitating a worthwhile and educational visit for Justice 1 members.
13 June 2002

Lord James Douglas-Hamilton The Scottish Parliament George IV Bridge Edinburgh EH991SP

Dear Lord James,

BEST PRACTICE ITEMS - HMP KILMARNOCK

Please find enclosed a 2 page summary covering best practice items and responses to criticism, that we agreed I would provide for you.

I hope this information is useful. Please do not hesitate should you wish me to explain any particular point I have included. I look forward to meeting you.

Yours Sincerely

Nick Cameron
DIRECTOR
**BEST PRACTICE ITEMS - HMP KILMARNOCK**

**Staffing**
- Improved pay -15% over three years
- Reduced working week from 45 hours to 43 hours projected in August 2002. (presently 43 and half hours).
- Reduced retention 1999 (opened March) -28%, 2000 30%, 2001 16%, 2002 currently 8%.
- Improved pension scheme -now 3% matched. Contribution (employee and company) = 6%.
- Excellent promotion opportunities within Kilmarnock and other Premier contracts e.g. £10,000 to £25,700 in three years with promotions.
- Positive relations / staff management culture . Staff development training programmes
- Full Union recognition/structure/meetings/consultations

**Prisoner Issues**
- Prisoner place approximately half that of the public sector / value for money for taxpayer.
- Comprehensive contract with 72 performance measures - financial penalty for shortfalls.
- Good public scrutiny by HMCIP, Scottish Prisons Complaints Commissioner, and three on site SPS Controllers and Ops Manager.
- Comprehensive rehabilitation ranging from work, to programmes to education, to physical education to health care.
- A current annual MDT figure of 12% (for May 9.6% and June 7.9%) - well below the SPS target of 15%. 
- No escapes or major incidents of disturbance to date.
- 100% sanitation / power in cell/purpose built layout with maximum use of CCTV.
- Level of prisoner assaults on par with other comparable SPS prisons - (attached table)
- 6,700 prisoner attendance’s per year at education. 608 education awards since 1999.
- SPS accredited anger management programme. Rehabilitation programmes covering drugs (basic and advanced), problem solving, parenting, anxiety management, and human relationships.

**Healthcare**
- 5 best practice items identified by HMCIP during major review.
- Full time Medical Officer allowing specialisation in prisoner health care.
- Excellent assessment forms, focusing on mental health and blood borne illnesses.
- Dedicated state of the art x-ray facility within prison Health Centre. Innovative approach to mental health (MAPS - Multi Agency Prisoner Support) - a co-ordinated multi-disciplinary group

**Other Areas**
- Kilmarnock plays its full part as an integrated member of the Scottish Prison Service
- Comprehensive management information systems in every department of prison.
- New approaches and culture to managing prisoners.
- A very positive prisoner staff relationship. (As evident by recent (May 2002) prisoner survey.)
- First full time prison chaplain - fully integrated within prison, assisted by additional part time chaplains.
- During first comprehensive HMCIP Inspection in 2000 -12 best practice items identified.

**Responses to Criticism**
- Premier have improved pay and conditions / worklife balance for staff. We are committed to improve matters further.
- A review of training constantly takes place to ensure our staff are trained e.g. at present we are reviewing the personal officer training and suicide awareness training.
- Additional prisoner programmes are currently being designed to ensure a broad range of rehabilitation options are available to prisoners. These will be delivered by chaplaincy and social work.
- Constantly reviewing strategies such as drug strategy and anti-violence measures to ensure the most effective are in place.

**Summary**
- Value for taxpayer is demonstrable - on any measure
- Kilmarnock Prison is safe, secure and decent for staff and prisoner
- Full programmes for work, education and training ensure rehabilitation work is at the forefront
- Staff have a good job, a career path, and are fairly remunerated - progress will continue in this area
# Operations Directorate

## Monthly KPIs

**01 June – 30 June 02**

<table>
<thead>
<tr>
<th>Location</th>
<th>Prisoner on Prisoner Assaults (for month)</th>
<th>Cumulative Total April 1 to June 2002</th>
<th>Staff Assaults (per month)</th>
<th>Cumulative Total April 1 to June 2002</th>
<th>Escapes (for month)</th>
<th>Accumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>H M L</td>
<td></td>
</tr>
<tr>
<td>Barlinnie</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td>H M L</td>
<td></td>
</tr>
<tr>
<td>Castle Huntly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cornton Vale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dumfries</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edinburgh</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenochil</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenochil YO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenock</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inverness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kilmarnock</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Moss</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perth</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peterhead</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Polmont</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shotts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>20</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*HM/KPI/FEB28 Operations Directorate*
<table>
<thead>
<tr>
<th>Establishment</th>
<th>Assaults on Staff</th>
<th>Assaults on Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barlinnie</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Castle Huntly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumnock Valp</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dumbries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edinburgh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenochil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inverness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kilmarnock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Moss</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norrnside</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peterhead</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Polmont</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shotts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Assaults on Staff**

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Target</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Cum to date</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Barlinnie</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Castle Huntly</td>
<td>1</td>
<td></td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>(11)</td>
<td>-7</td>
</tr>
<tr>
<td>Cumnock Valp</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dumbries</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Glenochil</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Greenock</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Inverness</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Kilmarnock</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Low Moss</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Norrnside</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Perth</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Peterhead</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Polmont</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>(2)</td>
<td>0</td>
</tr>
<tr>
<td>Shotts</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>(2)</td>
<td>0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>13</td>
<td>5</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>12</td>
<td>12</td>
<td>+1</td>
</tr>
</tbody>
</table>

Figures in bold indicate that a target has been reached or exceeded.

**Assaults on Prisoners**

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Target</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Cum to date</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>(1)</td>
<td>-7</td>
</tr>
<tr>
<td>Barlinnie</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>(1)</td>
<td>-7</td>
</tr>
<tr>
<td>Castle Huntly</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cumnock Valp</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dumbries</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>-1</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>12</td>
<td>12</td>
<td>-7</td>
</tr>
<tr>
<td>Glenochil</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>10</td>
<td>10</td>
<td>-3</td>
</tr>
<tr>
<td>Greenock</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>-2</td>
</tr>
<tr>
<td>Inverness</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Kilmarnock</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>10</td>
<td>10</td>
<td>-5</td>
</tr>
<tr>
<td>Low Moss</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Norrnside</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Perth</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Peterhead</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Polmont</td>
<td>8</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>8</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Shotts</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>-3</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>56</td>
<td>18</td>
<td>18</td>
<td>29</td>
<td>7</td>
<td>2</td>
<td>56</td>
<td>56</td>
<td>-29</td>
</tr>
</tbody>
</table>

Figures in bold indicate that a target has been reached or exceeded.