JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE

JOINT MEETING

AGENDA

Justice 1 Committee
30th Meeting, 2002 (Session 1)
Justice 2 Committee
29th Meeting, 2002 (Session 1)

Tuesday 17 September 2002

The Committees will meet at 1.30pm in the Chamber.

1. Minister for Justice: The Committees will take evidence on progress to date and future plans of the Scottish Executive from—

   Mr Jim Wallace MSP, Minister for Justice.


   Clive Fairweather, HM Chief Inspector of Prisons for Scotland, and David McAllister, Assistant Chief Inspector of Prisons for Scotland, Malcolm McLennan, Inspector and Michael Crossan, Inspector

Alison Taylor, Tel 85195
Gillian Baxendine, Tel 85054
Clerks to the Committees
The following paper is attached for this meeting:

**Agenda item 1**
Note by the Clerks (private paper) J1/02/30/1 J2/02/29/1

**Agenda item 2**
Note by the Clerks (private paper) J1/02/30/2 J2/02/29/2

HM Chief Inspector of Prisons for Scotland, Annual Report for 2001 - 2002 J1/02/30/3 J2/02/29/3

HM Chief Inspector of Prisons for Scotland address to media 5 September 2002 J1/02/30/4 J2/02/29/4
JUSTICE 1 & 2 COMMITTEE

Late papers for the Justice 1 Committee, 30th Meeting, 2002 (Session 1)
Late papers for the Justice 2 Committee, 29th Meeting, 2002 (Session 1)

Tuesday 17th September, 2002

I attach the following papers:

**Agenda Item 1**
Statement by the Minister for Justice

17th September 2002

Tony Reilly
1. Looking back to this time 3 years ago I said then that I was “cautiously optimistic about the future”. In the course of the next two years press briefings, I then found myself “sitting on the fence”: I felt less optimistic, and wanted to see what the new estate plans for SPS would actually be. However, all along the big question has really been: how the SPS would cope if the prisoner population suddenly started to increase, on top of ‘silting up’ caused by longer sentences, at a time when capacity had been reduced through prison closures - and also when most of the prison work-force had been subjected to unprecedented uncertainty about its future. Towards the end of this year’s reporting period – from March onwards, the prison population has begun to increase significantly and all these various pressures have started to converge. Yet almost 3 years since all the massive changes commenced – included the closing down or rationalisation of 7 prison establishments, we are still waiting to see what the complete “big picture” for the future is. I understand, however, that some outcomes from the estates review could at last be made available tomorrow (and I do not know any of the contents).

2. Whatever is announced, the key issue, I believe, will continue to centre round **people**, - particularly the staff of the Scottish Prison Service – the review ought not to be seen as a purely bricks and mortar issue. Staff have gone through 3 years of enormous uncertainty, and we can’t simply ignore the disquiet which has been engendered. This may well persist for some considerable time, yet in order to properly challenge criminal behaviour, prison management will need keen and enthusiastic prison staff. Staff have to be reassured that they really are **valued**, and have to believe that there is an opportunity for a full career in front of them. I wonder, however, about the effects which all the uncertainty has already had, for example, on the cohesiveness of rehabilitation responses across the prison estate. In recent months we have certainly begun to detect a degree of disjointedness in this area. There has of course been a laudable drive by SPS Management to become more business like and to reduce costs; these are essential aims for any good public service. However care also has to be taken to ensure that all the outcomes fully match the rhetoric; prisons are in fact, far more complex than many realise: in particular a very careful balance needs to be struck between the number of private and public staff there are, if morale is to be sustained across the board. Without that it might be difficult to manage anything much more than “containment”.

3. I pay tribute to the SPS’s record on holding its prisoners in secure custody. For the fourth successive year, this has been quite excellent. I’m also delighted to see at long last now that ‘B’ Hall at Barlinnie is refurbished that the SPS has achieved uniformly decent conditions for remands. Nevertheless, elsewhere amongst the convicted, much still needs to be developed to challenge offending behaviour – though I believe the SPS is making a fair attempt to engage with
violent and persistent criminals, especially, as we have noted this year, via the
efforts of staff and the regimes at Peterhead, Glenochil (and Perth). Of all the
Scottish prisons, we believe Peterhead has got the closest to providing what the
public actually requires; its officers really are quite excellent role models and
examples to the rest of the SPS. The service must, also get down to doing more
with short term prisoners – e.g. alcohol and drug awareness programmes –
because it is these individuals who commit a disproportionately large number of
crimes. It would in fact help, if fewer were sent to prison in the first place – and
credible alternatives found for them. I do wonder at times, what the point of a
very short sentence really is. I’d also like to see a much more consistent regime
for young offenders at HMYOI Polmont – and one that is carried out by selected
and uniformly well motivated staff. Far too many young men continue to lie idle
there, which is a total waste of everyone’s time and money. Surely, YOs must
remain the SPS’s over-riding concern for the future; they must pull out all the
stops to try and prevent these individuals becoming tomorrow’s adult criminals.

4. This year, and as before, there are 5 seriously overcrowded prisons. Not only
does this mean deteriorating conditions for prisoners, there may be insufficient
places for them on the various rehabilitation programmes. Fewer staff are
dealing with more prisoners, which means that prisoners will not be properly
challenged. This means that the public are, in effect, being short changed.

5. The months ahead could prove to be tricky for the SPS if numbers continue to
run as high as they are now. The prison population has started to surge since
the Spring and is now running regularly at 6,300-6,500 whereas following the
closure or rationalisation of those establishments, only two years ago, the actual
capacity has come at times as low as 5,806.

6. In conclusion – it is “good”, that the problem of conditions for remands has finally
been resolved. However there are still ongoing slopping out problems at
Barlinnie; meanwhile the grossly outdated wooden huts at Low Moss still creak
on. These are problems which need urgently to be addressed – and we’ve been
saying this now for over five years. Nevertheless, I’m not one for launching a
revolutionary solution at a time when the SPS is beginning to struggle – partly in
a situation which might have been avoided – i.e. a lack of capacity created in the
face of longer sentences and not much later, a growth in prisoner numbers. My
parting advice, therefore, is that there must be concentration now, on dealing with
the immediate future i.e. more houseblocks need to be built right now in the
coming months, – for example as were quickly put up at HMP Edinburgh. Then
perhaps there has to be focus on solutions to the medium term, which probably
comes down to authorising the building of at least one more prison, now. For the
longer term, before deciding whether or not any more prisons will be needed,
“wait and see” for a bit longer, is probably the safest/cheapest course of action –
i.e. wait to see whether the various initiatives on alternatives to custody begin to
have better effect, or whether the population continues to grow.

7. However, what also matters is that SPS management and its workforce
cooperate far closer together. There has to be mutual trust, respect and
confidence between all the parties following all the recent upheavals. That is
where the new building really is needed: there needs to be far less emphasis on “management” and a bit more actual leadership.
Justice 1 Committee
Justice 2 Committee
Joint Meeting

Statement by the Minister for Justice

Convenors

I am grateful for the opportunity to say a word or two of introduction. We are now in the final year of the first Scottish Parliament. I think it’s right that we should look to what the Executive and the Parliament have achieved for the people of Scotland and to what lies ahead in the remainder of this Parliament.

I think we all share the aim to make Scotland Safer and Fairer. We can fairly claim to have made progress on both.

For example, to make Scotland Safer we have:

- funded record numbers of police officers, achieving record clear-up rates for crime; and doubling seizures of Class A drugs.

Today I’d like to draw particular attention to our commitment to victims and witnesses in the Criminal Justice system. Following the Executive’s victim strategy we now have witness services in all 49 Sheriff Courts.

I am pleased to be able to announce today that we will provide a similar service for witnesses in the High Court as well.

We have worked with the Committee on legislation to safeguard rape victims from cross-examination by the accused, and I am also able to announce that we will commence the Sexual Offences (Procedure and Evidence) Bill on 1 November.

In the remainder of this Parliament I would draw the Committees’ attention to:

- Our continued funding of front line policing at the present high level;

- the major legislative programme, especially Criminal Justice Bill. It’s main aim is protecting the public.

We want to make Scotland Fairer, and here again we are delivering on our Programme for Government commitments. You will have seen for example the legislation being considered by the Social Justice Committee, on the replacement of poinding and warrant sales.
Our commitment to access to Justice will continue to be shown in the developments on a community legal service, and in legal aid.

I am conscious that there are detailed questions that Members will want to raise - and I will be happy to deal with them if I can - but there are 2 major issues that it would be remiss of me not to mention at this stage.

The first is the Prison Estates Review, about which Justice 1 reported, and I made a statement last week.

The decisions I announced are aimed at achieving a prison estate that is fit for purpose, by providing enough prisoner places of suitable quality to meet demand. For too long we have had prisoners slopping out in overcrowded accommodation.

Most we will be replacing substandard accommodation, not providing extra places. Much will be investment in existing public sector prisons. Over £110m will be spent on that over the next 3 years – the biggest investment ever. But even that will not be enough on its own.

We therefore decided on 2 new prisons. The first will be built and run by the private sector, to get the new places quickly and address the current overcrowding, especially for remand prisoners.

The second new prison is our challenge to the public sector, both management and unions, to produce a robust and credible plan for the new prison that is competitive, offers value for money and delivers the places we need on time.

On Peterhead, we listened very carefully to those who called for the prison to be retained. I was impressed by the arguments, and have decided that Peterhead will stay open.

But prisons are not just about bricks and mortar. I have asked SPS to develop a prisons performance management framework in 2003, including publication of performance agreements, improvement targets and details of performance by each establishment. I would welcome any thoughts that the Committees have about how to do this.

Finally, there are the important announcements made by my colleague the Finance Minister last week. These represent very major commitments to the Justice system. Here are just a few highlights:

- funding for police pay awards negotiated in the UK Police Negotiating Board;
- a major investment in police technology, especially the national element of the new Airwave communications system;
- resourcing the current record level of judges and sheriffs;
- growth in provision for legal aid - an area the Committees raised in the last budget scrutiny.

In conclusion, Convenor, I think that we as a Parliament can take some satisfaction from what we have done, but have a great deal more to do. I was, as you know,
among those who argued strongly for the creation of this Parliament, and for the new ways of working that would come with it: more consultative, and less confrontational, focussed on achievement and outcome and not party points scoring. For my part, I continue to believe in that, and hope that for the remainder of this term I and my colleagues will be able to work with you on this basis.