I refer to the Committees call for written evidence in respect of prisons as part of the budget scrutiny process.

My response to the questions posed by the Committee is provided below.

1) **Is the Scottish Prison Service budget sufficient to cope with the current and projected prison population?**

According to the Scottish Government's latest projections of the average prisoner population in custody, SPS will be required to accommodate a growing prisoner population over the Spending Review 2011 period:

- 2011-12: 8,000
- 2012-13: 8,300
- 2013-14: 8,600
- 2014-15: 8,800

[Note: the above figures exclude prisoners on Home Detention Curfew (HDC) - which has been assumed to remain around 370.]

On 25 September 2011, a record high of 8,222 prisoners were held in custody (with a further 392 on HDC). Although the prisoner population currently remains a little below this level, based on the seasonal pattern of prior years, it is expected that the prisoner population will reduce slightly over the next 2-3 months.

The design capacity of prison estate, post closure of HMP Open Estate (Noranside) is around 7,150. This will increase to 7,850 when HMP Low Moss opens in March 2012, which will ease the pressure on the prison system by reducing the current high levels of overcrowding in many prisons. However, based on the latest prisoner population projections, SPS expect to have to manage an increasing level of overcrowding during the next few years.

The draft budget 2012-13 for SPS and spending plans for 2013-14 and 2014-15 provide SPS with sufficient budget provision to cope with the current and projected prison population during this 3 year period.

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<tr>
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<tbody>
<tr>
<td>Current Expenditure</td>
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<td>Capital Expenditure</td>
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<tr>
<td>Total</td>
<td>365.5</td>
<td>400.6</td>
<td>364.5</td>
<td>378.7</td>
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[Note: the above budgets/plans reflect the transfer of responsibility for prisoner health care to NHS with effect from 1 November 2011 - full year cost of around £20m.]

In 2012-13, the draft budget will support:

- opening HMP Low Moss, which will provide 700 prisoner places;
- opening the second phase of the re-development of HMP Shotts;
- taking forward the construction of HMP Grampian (which will replace HMPs Aberdeen and Peterhead); and
- working with Community Justice Authorities and other partners to reduce the risk of prisoners re-offending on release from custody.

In 2013-14 and 2014-15, the spending plans will support:

- the creation of a prison estate that is fit-for-purpose and provides a humane regime capable of contributing to maintaining public safety and reducing re-offending, including:
  - opening HMP Grampian by 2014, and closing HMPs Aberdeen and Peterhead;
  - acquiring a site for HMP Highland, which will replace HMP Inverness;
  - commencing the construction of HMP Inverclyde, which will replace HMP Greenock;
  - commencing work on the modernisation of the female prison estate; and
  - taking forward work to plan the replacement of HMP Barlinnie facilities beyond the spending review period.

Where possible, SPS will seek to bring forward plans to modernise the prison estate by using current expenditure budgets to supplement capital budgets. Priority will be given to investments which provide improved value for money and accelerate the availability of fit-for-purpose prisoner accommodation.

The financial and operational pressures during this period will be extremely challenging for all involved in the prison system. SPS therefore expect to continue to work closely with its trade union partners to provide a safe and secure prison system which also contributes to reducing the likelihood of prisoners re-offending on release.

[One of the key challenges for both parties will be addressing the implications of the current pay and pension policies for prison staff in order to ensure that operational focus is maintained at all times.]
2) **Are sufficient funds available to properly maintain the fabric of the prison estate whilst pushing forward with planned development work?**

During the period 2008-09 through to the end of 2011-12, some £390m will have been invested in the creation of a fit-for-purpose prison estate including:

- 2 new prisons: HMP Addiewell which opened in 2009 and HMP Low Moss which is due to open in March 2012; and
- 5 modernised prisons: HMPs Edinburgh, Glenochil, Perth and Shotts, and HMYOI Polmont.

Following the opening of HMPs Low Moss and Shotts (Phase 2) in 2012, some 70% of the prison estate will be fit-for-purpose. This figure will increase to around 77% when the planned HMPs Grampian and Inverclyde developments replace the existing prisons in these areas.

As a result of this investment programme, the maintenance burden associated with old and unfit prison buildings has been considerably reduced. SPS plan to continue to focus available funding in the continuing modernisation of the estate - including the female estate and HMP Barlinnie. However, it is recognised that some on-going investment will be required to maintain the prison estate to a reasonable level.

SPS has prepared for the new challenge of maintaining new modern facilities, together with a reducing old estate, by re-organising its approach to estate management. This will help plan and deliver the maintenance programme for each prison in a structured and efficient manner within available funding. SPS consider that the proposed budget provision will be challenging but sufficient to maintain the prison estate during the next 3 years - with the exception of any major works resulting from significant prisoner disturbance or major failure of utilities/key services.

3) **Are sufficient funds available to properly staff current and planned prisons?**

Staffing levels are agreed by SPS and its trade union partners for each prison. Agreements are also in place for HMP Low Moss, which opens in 2012, and HMP Grampian, which will open by 2014. Additional staff are already being recruited for HMPs Low Moss and HMP Grampian will be staffed by transfers from HMPs Aberdeen and Peterhead rather adding to the overall headcount of SPS.

The additional costs associated with opening HMP Low Moss are manageable within the proposed budgets/plans. The costs of starting-up HMP Grampian and the linked closures of HMPs Aberdeen and Peterhead are also manageable within available budgets.

Other planned developments involve the replacement of existing unfit facilities with modern fit-for-purpose facilities. Subject to the relevant old facilities being closed when the new facilities open, SPS do not envisage any material additional budget provision being required to operate these planned facilities.
4) Are sufficient funds available to provide meaningful activity for prisoners (including activities aimed at rehabilitation)?

SPS considers the provision of meaningful activity for prisoners to be an important part of the prison regime. Firstly, it contributes to the safe and secure operation of the prison system and secondly, provides an opportunity to help prisoners address aspects of their behaviour or environment which may reduce the risk of them re-offending on release from custody.

Having sufficient funding available to make an impact in this area is important. However, other factors also play an important role including availability of proper facilities to support such activity, involvement of external partners and overcrowding in prisons.

The recent development of the prison estate has created excellent facilities for prisoners to engage in meaningful activity with both SPS and partner agencies. However, the effectiveness of this engagement has been hindered in many prisons by the pressure of dealing with overcrowding - resulting in some prisoners having little access to certain facilities. The continuing high level of remand prisoners poses a particular challenge in this regard. The opening of HMP Low Moss, with its purpose built regime facilities and additional capacity, is expected to enhance the level of provision both at the new prison and other establishments (which will experience some relief from the pressure of overcrowding). In due course, HMP Grampian will also provide enhanced capability, particularly with its focus on supporting offenders from the Northern CJA catchment area and partnership working with the Northern CJA to ensure that rehabilitation support for offenders extends beyond custody and into the community.

Over the spending review period, SPS intends to direct greater focus on the risk of prisoners re-offending on release from custody and where possible, will seek to generate efficiencies to create additional resources for investment in this priority activity.

John Ewing
Chief Executive
19 October 2011