Justice Committee

5th Report, 2013 (Session 4)

Inquiry into purposeful activity in prisons

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# CONTENTS

## Remit and membership

<table>
<thead>
<tr>
<th>Report</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive summary</td>
<td>1</td>
</tr>
</tbody>
</table>

## Background

| The importance of rehabilitation in reducing reoffending | 6 |

## Purposeful activity

| The Prisons and Young Offenders Institutions (Scotland) Rules 2011 | 8 |
| SPS definition | 9 |
| HM Inspectorate of Prisons for Scotland definition | 9 |
| What are purposeful activities in practice? | 10 |
| Current provision of purposeful activity | 11 |

## Provision and delivery of purposeful activities in prisons

| Scottish Prison Service strategic approach | 12 |
| Prison design and physical capacity to facilitate purposeful activities | 15 |
| Staff resources | 16 |
| Access across the prison estate | 17 |
| Timetabling of prisoner activities | 18 |

## Take up of purposeful activities by prisoners

| Prisoners' lack of a daily routine | 19 |
| Reluctance to participate in learning activities | 21 |

## Issues relating to specific groups of prisoners

<p>| Remand prisoners | 26 |
| Short term prisoners | 27 |
| Young offenders | 28 |</p>
<table>
<thead>
<tr>
<th>Other factors that contribute to reducing reoffending</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family relationships</td>
<td>29</td>
</tr>
<tr>
<td>Throughcare</td>
<td>30</td>
</tr>
<tr>
<td>Prisoner to prisoner mentoring</td>
<td>31</td>
</tr>
</tbody>
</table>
Justice Committee

Remit and membership

Remit:

To consider and report on:
  a) the administration of criminal and civil justice, community safety and other matters falling within the responsibility of the Cabinet Secretary for Justice; and
  b) the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

Membership:

Roderick Campbell
John Finnie
Christine Grahame (Convener)
Colin Keir
Jenny Marra (Deputy Convener)
Alison McInnes
David McLetchie
Graeme Pearson
Sandra White

Committee Clerking Team:

Irene Fleming
Joanne Clinton
Emma Johnston
Christine Lambourne
Inquiry into purposeful activity in prisons

The Committee reports to the Parliament as follows—

EXECUTIVE SUMMARY

1. The Justice Committee believes that the effective rehabilitation of offenders is vital in order to reduce crime levels, reduce the economic and social costs of crime and help create a safer Scotland. It also enables those individuals who have offended, for a variety of reasons, to choose a better life for themselves, their families and communities.

2. A key element of rehabilitation is the recognition of those factors which cause some people to offend and the appropriate level of support to help them develop the skills, experiences and confidence to address these factors and change their behaviour. The Committee recognises that this process takes time and resources. The Committee also recognises, however, that evidence shows this process works. In addition, the Committee believes that this time and those resources can be justified given the significant time and resources currently spent by the police, courts, prison service and wider criminal justice system in connection with reoffending.

3. The Committee believes that, as well as punishing offenders by taking away their liberty, the prison system has an important role to play in rehabilitating offenders. In fact, rehabilitation must start in prison and, to be most effective, must also continue after release when, most often, offenders are back in the environment where they committed their crimes.

4. Purposeful activities, of an educational, counselling, work nature and such others as family contact, are a fundamental element of the rehabilitation process. They can help prisoners address any personal issues that may have contributed to their offending behaviour and help develop the working routine, education, skills and experience necessary to find employment on release and lead a stable, non-offending life.

5. The Committee makes the following conclusions and recommendations—
6. The Committee believes that purposeful activities are an important way of delivering support and the necessary key skills for prisoners to achieve many of the nine national offender outcomes (see paragraph 42). The Committee believes, therefore, that the provision of purposeful activities should be at the centre of rehabilitation policies delivered in prisons. (paragraph 44)

7. The Committee notes the definition of purposeful activity set out in the 2011 Prison Rules. The Committee also notes, however, that this does not take account of the broader range of factors which research shows strongly contribute to offenders’ likelihood of reoffending, such as contact with family during imprisonment. The Committee believes that the Scottish Government should give some consideration to whether the definition should be revised to take into account these activities. (paragraph 53)

8. The Committee welcomes the Chief Executive of the Scottish Prison Service’s (SPS) positive approach since taking up his post and his intention to review the operation of the SPS within the wider context of the local community and partner organisations. The Committee invites the Chief Executive and Cabinet Secretary to update the Committee on the operational review. (paragraph 78)

9. As part of its operational review, the Committee urges the SPS, supported by the Scottish Government, to draft a strategy relating to purposeful activities. The Committee believes that such a strategy would be key to reducing reoffending by setting out the Prison Service’s ambitions for the provision of purposeful activities and providing some clarity and guidance to prisons to ensure that access can be as consistent across the estate as possible. As part of the strategy, the Committee recommends that the SPS include individual prison plans setting out how each prison will deliver the aims and objectives of the strategy within each establishment. (paragraph 79)

10. The Committee agrees that any strategy for delivering purposeful activity must recognise the valuable role that a range of third sector organisations play in reducing reoffending. Such a strategy must, however, include guidelines to assist individual prisons to manage their relationships with third sector organisations to maximise the benefits of such partnership working. (paragraph 80)

11. The Committee recommends that the strategy should be flexible to allow Governors to retain their autonomy within each establishment whilst, at the same time, providing some stability within regimes where there is a change of Governor. (paragraph 81)

12. The Committee recognises that the design of some prison buildings creates additional challenges to the prison services in facilitating access for activities. Where this is the case, the Committee would welcome further information on how the Prison Service is developing solutions to this problem within the existing structures. The Committee also strongly recommends that the easy movement of prisoners around the establishment
in a context of safety and security are key considerations in the design of new prisons or upgrade of existing prison facilities in the future. (paragraph 87)

13. The Committee recognises that the movement of prisoner groups between prisons and sometimes overcrowded conditions are an unfortunate feature of the prison system. The strategy, therefore, should address how it will protect the provision of purposeful activities in these circumstances. (paragraph 90)

14. The Committee recognises that it is difficult for individual prisons to provide sufficient staff resources to ensure all workshop activities can proceed despite staff changes and absences. The Committee does, however, believe that more could be done to ensure the continuity of these activities in these situations and highlights this as an issue to be included in the strategy on purposeful activity and reflected in the individual prison plans. (paragraph 94)

15. The Committee is aware that the movement of prisoners between prison and courts diverts staff resources from delivering purposeful activities. The Committee believes that the wider use of video conference technology could avoid the need for some prisoners to travel to court and, thus, free up more prison officers to deliver activities. The Committee recommends, therefore, that the Scottish Government consider this issue as part of its court reforms. (paragraph 95)

16. The Committee is concerned about the inconsistencies of access to purposeful activities across the prison estate and recommends that the Scottish Government and SPS address this in the strategy for purposeful activity. (paragraph 101)

17. The Committee agrees with those stakeholders who suggest that the SPS should use timetables to schedule prisoners' participation in purposeful activities and urges the SPS to introduce them as soon as possible. Further, the Committee has concerns that, although prisoners have individual plans, their significance is not always recognised in what is provided. The Committee also agrees that using computerised prisoner management systems would benefit public sector prisons and is concerned that these have not been installed. The Committee asks the SPS what the installation of a computerised system would cost and what consideration it has given to investing in these systems across the prison estate. (paragraph 107)

18. The Committee notes the concerns highlighted relating to some prisoners' lack of experience of a working routine and recognises the important role that the Prison Service should play in developing this during custody in order to rehabilitate and best prepare the prisoner for life on release. The Committee recommends that the Scottish Government and SPS address this in any strategy on purposeful activities. (paragraph 119)
19. The Committee shares the concerns of many that some prisoners have unlimited opportunity to watch television. The Committee agrees that a reasonable amount of time to watch television is fair as part of a prisoners’ relaxation time. The Committee recommends, however, that guidelines regarding the appropriate amount of television viewing time be included in the strategy on purposeful activities. (paragraph 120)

20. From the evidence received, and members’ observations during their prison visits, the Committee recognises the good work that prison education centres do in providing a supportive learning environment. The Committee notes the representations made to it, however, that aspects of the delivery of education services could be significantly improved and recommends the Scottish Government and SPS consider these in the strategy for purposeful activities. (paragraph 145)

21. In particular, the Committee believes that it would be advantageous for information about first time offenders’ educational attainment, such as school reports, to be made available to the SPS upon the offenders’ imprisonment. This would supplement the information about prisoners’ educational qualifications and literacy and numeracy needs that is currently gathered during the induction process. (paragraph 146)

22. The Committee strongly agrees that secure access to the internet is both achievable and highly desirable to provide a learning environment which is comparable to that in the community. Not only would this support staff and learners but it would also help prisoners continue their learning in the community following their release. The Committee appreciates that there are security concerns but highlights the evidence submitted to it that these can be addressed. The Committee has been informed that the SPS is currently reviewing this policy and calls on this review to be concluded as soon as possible to enable internet access to be provided to education centres across the prison estate. (paragraph 147)

23. The Committee is also concerned that the SPS prisoner wages policy, by paying work activities a higher wage than learning activities, does not recognise the value of education. The Committee has not been given a reason why this disparity exists. The Committee agrees that this would seem to discourage participation with learning activities and urges the Scottish Government and SPS to review this policy as a matter of urgency. (paragraph 148)

24. The Committee recognises the concerns raised in a number of written submissions that prisoners’ special educational needs are often not identified during the prison induction process and believes that this situation must be addressed. The Committee welcomes the Chief Executive of the SPS’s commitment to consider this issue, and the potential role that occupational therapists might play, as part of the national guidance panel on young offenders (YOs). The Committee is of the view, however, that this is as much of an issue for the adult prison population as for YOs and recommends that this issue should be addressed within the strategy for purposeful activities. (paragraph 149)
25. **The Committee notes the concerns raised by a number of stakeholders relating to the opportunities remand prisoners have to participate in purposeful activities. The Committee recommends that the Scottish Government and SPS give this matter focused consideration when drafting the strategy on purposeful activity.** (paragraph 154)

26. **The Committee remains very concerned about the small number of short term prisoners (those serving sentences of four years or less) who participate in purposeful activities. The Committee recognises that there are particular difficulties in engaging with this category of prisoners for a number of reasons; for example, the length of some short term sentences and the lack of incentives to participate. The Committee strongly believes, however, that, given the fact that reoffending rates are highest amongst short term prisoners, greater efforts must be made to persuade them to participate in activities which will support their rehabilitation. The Committee believes that the SPS, supported by the Scottish Government, must give further thought about how to address this as a matter of priority.** (paragraph 160)

27. **The Committee asks that the Scottish Government consider the proposed requirement that internal prison reports are made available to the judiciary during court proceedings when its court reform policies are finalised in the coming months.** (paragraph 161)

28. **The Committee welcomes the SPS's intention to give a renewed policy focus to the different needs and challenges associated with YOs. The Committee agrees that it is imperative to tackle YOs' offending behaviour to ensure that their first experience of the prison system is also their last and welcomes the proposal to give HMYOI Polmont a stronger educational and vocational focus. The Committee expects updates from the national guidance panel established by the SPS to inform this proposal as this policy takes shape.** (paragraph 165)

29. **The Committee welcomes the SPS's new approach to providing better support to prisoners’ families and fully endorses the planned improvements of visitor facilities and, in particular, family centres across the estate. The Committee would welcome a response to the claim put forward by Families Outside.** (paragraph 173)

30. **The Committee would welcome an update on the timescale for the Scottish Government’s review on throughcare.** (paragraph 179)

31. **The Committee welcomes the increased emphasis being given to throughcare as it is vital that an adequate support package is provided to prisoners on release which recognises the broad range of factors which may have caused their offending behaviour.** (paragraph 180)

32. **The Committee remains of the view that statutory throughcare should be available to short term prisoners and urges the Scottish Government to consider this as part of its SPS strategy, as well as part of its redesign of the community justice system.** (paragraph 181)
33. The Committee recognises that there is tremendous scope for developing mentoring programmes within prisons and outwith in throughcare provision and welcomes the SPS’s approach. The Committee believes that there are many other opportunities for utilising a mentoring scheme and recommends that these are given due consideration in the strategy on purposeful activity. (paragraph 190)

BACKGROUND

34. At its meeting on 4 December 2012, the Justice Committee agreed to hold a short and focused inquiry into purposeful activity in prisons.

35. The remit of the inquiry was to consider issues around the opportunity prisoners have to engage in purposeful activity in the course of their imprisonment, in particular—

- What is meant by 'purposeful' activity and how can this be measured;
- The extent to which prisoners have an opportunity to engage in purposeful activity;
- What are the perceived benefits of purposeful activity and whether there are any examples of best practice;
- What barriers may exist to prevent prisoners engaging in such activities;
- Whether access to purposeful activities is consistent across the prison estate; and
- Whether access to such activity can be improved.

36. The Committee sought evidence to inform its consideration of this issue. It launched a call for written evidence and received 27 submissions. Committee members also made a number of visits to prisons around Scotland in January 2013 where they were able to explore issues raised within the inquiry remit. Finally, a number of oral evidence sessions were held with key stakeholders and commentators. The Committee thanks all the organisations and individuals who took the time to prepare written submissions and give oral evidence, as well as the Scottish Prison Service (SPS) officials who arranged and accompanied members on the prison visits. Further information about the written evidence received, prison visits and oral evidence sessions can be found on the Committee’s inquiry web page.¹

THE IMPORTANCE OF REHABILITATION IN REDUCING REOFFENDING

37. The Scottish Government’s Strategy for Justice in Scotland, published in September 2012, highlights the prison service’s dual function of punishing convicted offenders by taking away their liberty as well as providing appropriate

support and opportunities for rehabilitation to help prevent reoffending following release. The Cabinet Secretary for Justice states—

“We need to ensure that society is protected from those who pose a serious risk. Prison sentences punish serious offenders appropriately. They protect our communities from the harm that such people can cause … While all crime should be duly punished, I believe that people can turn their lives around. But to do that they often need help and opportunities, support and compassion. Our justice system must therefore enable rehabilitation as well as punishment.”

38. The strategy goes on to argue that rehabilitation is especially important for those who repeatedly commit less serious crimes, and places the “significant economic and social cost” of their offending at the heart of this argument.

39. Although the reoffending rate has gone down in Scotland since 2006-07 and reached its lowest level in 2009-10, Audit Scotland, in its recent report Reducing reoffending in Scotland, highlighted that reconviction rates have remained relatively static over the past 13 years.\(^3\) The report goes on to stress that persistent offenders and men under 21 are the most likely to reoffend.\(^4\)

40. The Audit Scotland report shows the significant costs of offending. Of the £419m that Audit Scotland estimated was spent by the SPS, Scottish Government and community justice authorities (CJAs) to deal with people sentenced in court in 2010-11, £254m (61%) was spent restricting the liberty of offenders with the SPS spending the vast majority of this (£235.6m).\(^5\) Audit Scotland found that £60.8m (14%) was spent on rehabilitation and £66.7m (16%) was spent on reintegration services to support prisoners moving back into the community.\(^6\) The SPS states that the annual cost to keep someone in prison was £32,371 for 2011-12.\(^7\)

41. The Audit Scotland report also highlights unpublished Scottish Government research that estimates that the total economic and social costs of offending in Scotland are £3bn. It goes on to highlight further research by the Scottish Government that estimated that the total cost of reoffending by a single cohort of offenders with three or more convictions over a ten year period was £5.4bn, not including the costs incurred by bodies outside the criminal justice system.\(^8\)

42. There is a significant body of research that highlights the key factors that are crucial in supporting offender rehabilitation. These factors are reflected in the nine

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\(^3\) In 1997-98, 32% of offenders were reconvicted within one year, increasing to 33% in 2002-03 and subsequently declining to 30% in 2009-10. Audit Scotland. (2012) Reducing reoffending in Scotland, paragraph 15. Available at: http://www.audit-scotland.gov.uk/docs/central/2012/nr_121107_reducing_reoffending.pdf (1.66MB pdf) [accessed 25 March 2013].


national offender outcomes for offenders in custody detailed in the SPS’s submission—

- Sustained or improved physical and mental wellbeing;
- Reduced or stabilised substance misuse;
- Improved literacy skills;
- Employability prospects increased;
- Maintained or improved relationships with families, peers and community;
- The ability to access and sustain community support, including financial advice and education;
- The ability to access and sustain suitable accommodation;
- The ability to live independently if they choose; and
- Addressing behaviours which lead to offending and foster greater acceptance of personal responsibility and awareness of the negative or destructive impact of offending on victims and their families.

43. The Committee believes that the benefits to Scotland of a reduction in reoffending, in terms of budget savings and safer communities, are substantial. However, it is clear that, despite the best intentions and good work by the Prison Service and other organisations that work with offenders, there are still significant challenges to overcome in order to increase the number of prisoners who desist from reoffending after their release from prison.

44. The Committee believes that purposeful activities are an important way of delivering support and the necessary key skills for prisoners to achieve many of the nine national offender outcomes (see paragraph 42). The Committee believes, therefore, that the provision of purposeful activities should be at the centre of rehabilitation policies delivered in prisons.

PURPOSEFUL ACTIVITY

The Prisons and Young Offenders Institutions (Scotland) Rules 2011


46. Rule 81 states that the Governor must obtain a report about a prisoner’s particular needs and wishes concerning work and education as soon as practicable after that prisoner is received into prison. Following receipt of this, the Governor must determine a programme of work, educational activities and counselling for each prisoner with the “objectives of improving the prospects for the prisoner’s successful resettlement in the community, and the prisoner’s morale, attitude and self respect”.

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47. Unless excused for health or other grounds, prisoners are required to undertake work, education or counselling for up to 40 hours a week (Rules 82 and 83). The Rules do not set a minimum number of hours that a prisoner is required to undertake work, education or counselling.

48. Rule 84 states that a prison must provide a range of purposeful activities which, so far as is reasonably practicable, “takes into account the interests and need of prisoners to obtain skills and experience which will be of use to them after their release, and the requirements of the operation and maintenance of the prison” (Rule 84(1)). Rule 84(2) defines purposeful activity as work, education of any kind (including physical education), counselling and other rehabilitative programmes, vocational training and work placements outside the prison.

49. Rule 85 provides that civil prisoners or those on remand may, but are not required to, work.

50. Prisoners undertaking work, an educational class or counselling are entitled to be paid earnings (Rule 86) but no prisoner is allowed to carry on a trade, profession or vocation from the prison or retain any monies generated from the sale of any items produced by a prisoner, either during work or their spare time (Rule 89).

**SPS definition**

51. The SPS records purposeful activity hours as one of its key performance indicators and defines purposeful activity as “any supervised and/or structured activity that contributes to reducing re-offending”.10

**HM Inspectorate of Prisons for Scotland definition**

52. The Chief Inspector, Brigadier Hugh Monro, has highlighted the importance of access to purposeful activity in his annual and inspectorate reports. In his 2011-12 annual report,11 HM Chief Inspector of Prisons in Scotland (HMCIPS) defines purposeful activity as—

“any activity which, during the working day, encourages the process of improvement. This includes work, vocational training, education and programmes to address offending behaviour (such as addictions), access to PE and visits. If prisoners are not engaged in such activity, they are most likely locked in their cells and this I deem not to be purposeful activity.”

53. The Committee notes the definition of purposeful activity set out in the 2011 Prison Rules. The Committee also notes, however, that this does not take account of the broader range of factors which research shows strongly contribute to offenders’ likelihood of reoffending, such as contact with family during imprisonment. The Committee believes that the Scottish

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Government should give some consideration to whether the definition should be revised to take into account these activities.

What are purposeful activities in practice?

54. In its two submissions to the Committee, the SPS provides more detail about what purposeful activities are provided across the prison estate.

Work
55. A wide variety of work parties and workshops are provided across the estate. These range from supporting the running of the prisons (establishment services), such as working in the kitchen, cleaning, gardening, etc, or reparative or production workshops (some provided by SPS staff and others in partnership with private or third sector organisations), such as the plant hire repair workshop at HMP Barlinnie and the portable appliance tests (PAT) testing workshop at HMP Edinburgh.

56. Whilst some work parties are common to each prison, such as establishment services, many are the result of the initiative of individual prisons, governors and individual prison officers and the provision of these opportunities, therefore, varies across the prison estate.

57. The Committee heard during evidence about a number of workshops which are delivered in partnership with the private sector and which have resulted in employment for a small number of participants following their release.

Education (including physical education)
58. Educational courses in the public sector prisons are provided by two national learning providers: Carnegie and Motherwell colleges. Classes range from basic literacy and numeracy needs to more advanced levels, as well as covering a range of additional subjects. Art, music and drama classes can be provided, in addition to the more academic subjects.

59. Prisoners have the right to a minimum of one hour's physical exercise in the open air per day but other activities can also be provided and there is usually access to a prison gym.

Counselling and other rehabilitative programmes
60. These are programmes which seek to address causes of offending, such as alcohol and drug addiction programmes, anger management courses and life/parenting skills classes. In its supplementary submission, the SPS argues that “in order to maximise the valuable work that starts in custody, the interventions provided by the SPS should be able to be complementary to compatible work in the community as well as demonstrating how they contribute to reducing reoffending”.

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12 Carnegie College provides offender learning services in HMPs Edinburgh, Perth, Castle Huntly, Inverness, Aberdeen and Peterhead and HMYOI Polmont. Motherwell College provides offender learning services in HMPs Barlinnie, Dumfries, Glenochil, Greenock, Low Moss and Shotts and HMPYOI Cornton Vale.

13 The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (SSI 2011/331), Rule 87(1).
61. Whilst many of these programmes are delivered at local level in partnership with third sector organisations, this is a national programme which the SPS argues, in its supplementary submission, “simplifies provision across the estate; delivers increased numbers of completions and assists in the development of joint working protocols where there is simultaneous delivery of the same programme in both the community and custody”.

**Vocational training**

62. Vocational training (VT) opportunities can include bricklaying, painting and decorating, hairdressing/barbering and cleaning. As with the work opportunities, these are provided by individual prisons and, therefore, can differ across the prison estate.

**Work placements**

63. In its supplementary submission, the SPS outlines the prisons which provide work placements and states that these—

“facilitate the gradual re-introduction of those who have been in custody for a significant period of time, including life sentence prisoners, back into society in a measured and structured basis. This allows for any issues that arise prior to parole or liberation to be dealt with and resolved.”

**Other**

64. The SPS also states that there are a number of activities that are provided, such as religious and pastoral services, family visits, some health interventions and out of cell activities which are not classed as purposeful activities under the 2011 Prison Rules but which meets its criteria of structured and/or supervised activity that contributes to reducing reoffending.

**Current provision of purposeful activity**

65. Since taking up his post, HMCIPS has highlighted different levels of participation in purposeful activities across the prison estate. In his annual report 2010-11, HMCIPS outlined how prison inspections now include two activity checks to measure how many prisoners are taking part in activities. It found 37% at HMP Glenochil, 50% at HMP Peterhead, 60% at HMP Addiewell and 35% at HMP YOI Cornton Vale. In his annual report 2011-12, the figures were 39% at HMP Kilmarnock and 40% at HMP Dumfries.

66. In its annual report 2010-11, the SPS reported the provision of 6,144,324 hours of purposeful activity which, it stated, “equates to around a half a day per weekday for each convicted prisoner. In the face of overcrowding pressures and consequent demands on regime opportunities SPS consider this to be a satisfactory level of performance which will provide a benchmark for future years.” The annual report 2011-12 reported a slightly higher figure of 6,655,985 hours.

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14 In his 2011-12 annual report, HMCIPS found that 68% were in activities at HMOI Cornton Vale.

67. In his letter to the Committee, Colin McConnell, Chief Executive of the SPS, set out the most recent figures for the provision of purposeful activities in prisons in Scotland —

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<th>Totals 2012-13 (until end November 2012)</th>
<th>Total</th>
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<th>Average per convicted prisoner</th>
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<td>Barlinnie</td>
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<td>Cornton Vale</td>
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</tr>
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**PROVISION AND DELIVERY OF PURPOSEFUL ACTIVITIES IN PRISONS**

**Scottish Prison Service strategic approach**

68. A key theme arising from the evidence taken by the Committee has been the lack of strategic direction from SPS management to date in relation to the provision of purposeful activities, with much left to the discretion of individual governors and prisons. As a consequence, it is argued, provision is patchy and inconsistent and effectiveness is reduced.

69. During his oral evidence, HMCIPS acknowledged that developing a national strategy would not be easy, as different prisons with different populations will have different needs to accommodate, but he suggested that the challenges involved would not be insurmountable—

“I do not think that any of this is easy but, if we are going to do a national review, a national strategy could take account of all these variances and that

15 Scottish Prison Service. Written submission (PA18), annexe A.
would not be too difficult to do. It should be ensured that there is a strategy for sex offenders, a strategy for women and a strategy for long termers, who have completely different issues from people who are in the revolving door. It would be perfectly possible to do that.”

70. In its submission, the Association of Visiting Committees (AVC) highlights the high level of discretion given to governors without sufficient strategic direction from SPS headquarters and reiterates that there should be more emphasis on a national strategy and approach. It argues that the high turnover of governors has added to the problem, as they “change policy, direction, programmes, workshops, in a stop start of countless initiatives which are confusing and destabilising for both staff and prisoners alike”. The AVC elaborated on its concerns during oral evidence, highlighting that some prisons have had 12 governors in 10 years, others have had 8 governors in 7 years, adding “they are sometimes in and out like a yo-yo”.  

71. During his written evidence to the Committee, the new Chief Executive of the SPS highlighted the wider organisational review he has undertaken to better align the SPS’s objectives to those of the Scottish Government and “refresh the vision, mission and strategic priorities and overall operating philosophy of the SPS”.

72. The Chief Executive expanded on this during oral evidence, when he talked about—

“… the future development of imprisonment and custody in the context of the offender journey … We are reviewing how [the] SPS operates … it is important that the SPS looks not just at issues in isolation, but at what it does and how it performs in the context of the wider justice system and of local government and the priorities that it sets.”

73. Later, the Chief Executive said that the Prison Service “must be the hub around which everything orbits” and that there must be “seamless transitions” between prison and the community. Many other witnesses supported such an approach. Positive Prison? Positive Future suggested that “it is an excellent idea to consider ‘community’ and ‘prisons’ in a single sentence—in both meanings of the word” and that there should be scope for prison walls to be seen as “permeable somehow”.

74. Witnesses also argued that a more strategic approach would provide better guidance to prisons on partnership working with third sector organisations. Although many of these provide excellent services for prisoners, both during their time in custody and on release, the Committee has been told that the number of organisations can sometimes provide additional confusion to both prison staff and prisoners, and that strategic guidance might assist in setting a framework to structure partnerships around.
75. During oral evidence, the Chief Executive of the SPS recognised the role for greater central direction in relation to the provision of purposeful activities, arguing that—

“I would like to be on a journey—I think that this is where we are going—where we give local flexibility to determine what makes the best local connections but also have a distillation mechanism, if you like, that helps the governor and the organisation to identify which organisations in which circumstances are likely to provide the best resource.”

76. Similarly, the Committee has been told that prisons can sometimes find it difficult to maintain effective links with all 32 Scottish local authorities, each with their own priorities and budgets. The AVC expressed dismay that “nothing is joined up” and that “if we want to involve the community, local authorities have to have similar involvement and a proper strategy”.

77. The Committee is aware that this issue is being considered as part of the Scottish Government’s review of the structures of the community justice system.

78. The Committee welcomes the Chief Executive of the Scottish Prison Service’s (SPS) positive approach since taking up his post and his intention to review the operation of the SPS within the wider context of the local community and partner organisations. The Committee invites the Chief Executive and Cabinet Secretary to update the Committee on the operational review.

79. As part of its operational review, the Committee urges the SPS, supported by the Scottish Government, to draft a strategy relating to purposeful activities. The Committee believes that such a strategy would be key to reducing reoffending by setting out the Prison Service’s ambitions for the provision of purposeful activities and providing some clarity and guidance to prisons to ensure that access can be as consistent across the estate as possible. As part of the strategy, the Committee recommends that the SPS include individual prison plans setting out how each prison will deliver the aims and objectives of the strategy within each establishment.

80. The Committee agrees that any strategy for delivering purposeful activity must recognise the valuable role that a range of third sector organisations play in reducing reoffending. Such a strategy must, however, include guidelines to assist individual prisons to manage their relationships with third sector organisations to maximise the benefits of such partnership working.

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81. The Committee recommends that the strategy should be flexible to allow Governors to retain their autonomy within each establishment whilst, at the same time, providing some stability within regimes where there is a change of Governor.

**Prison design and physical capacity to facilitate purposeful activities**

82. The need for some prisons to co-ordinate and provide for multiple prison regimes – female, male, remand, short-term, long-term prisoners, sex offenders and other special protection groups of prisoners – presents significant challenges for prison authorities when moving prisoners around the establishment and this impacts on the provision and delivery of purposeful activities.

83. In some prisons, this is exacerbated by the physical limitations of inhabiting old buildings designed for a different era when the emphasis was more on locking prisoners in their cells rather than providing access to activities. As the Chief Executive of the SPS stated, “the governors and staff in that difficult group of prisons … face tremendous obstacles just to make the daily routine work and have to deal with unconnected buildings, long routes to work or education or so on.”

84. At the same time, however, some modern prisons have been designed without sufficient regard to enabling multiple prison populations to easily move around the campus. In its submission, HMP Glenochil Visiting Committee (VC) highlights the difficulties in moving the segregated populations around despite being a modern establishment.

85. In the visit to HMP Addiewell, a private sector prison opened in 2008, one member witnessed the benefits of a prison designed to enable the easy movement of prisoners. Both wings and the visitors/management block radiate off a central building which contains the common areas of the prison: the workshops, classrooms, library, kitchens, etc. During the visit to HMP Low Moss, another member was told about its prison design that facilitates quicker prisoner movement than in prisons with a more traditional layout.

86. The Prison Reform Trust highlights the issue of the impact of prison design on prisoner safety in its submission—

“A significant barrier to purposeful activity is a lack of safety. The two are interdependent. In an unsafe setting, people will be inhibited from taking part; threats to personal safety will undermine the purpose of the activity. Equally, purposeful activities make prisons safe. There is no safety in a ‘bang up’ jail. Isolation and idleness contribute to self-harm and aggravate dispute between prisoners that result in violent incidents.”

87. The Committee recognises that the design of some prison buildings creates additional challenges to the prison services in facilitating access for activities. Where this is the case, the Committee would welcome further information on how the Prison Service is developing solutions to this problem within the existing structures. The Committee also strongly

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recommends that the easy movement of prisoners around the establishment in a context of safety and security are key considerations in the design of new prisons or upgrade of existing prison facilities in the future.

88. A number of stakeholders have argued that the high number of prisoners currently imprisoned in Scotland and the pressures this places on individual prisons, many of which are not designed to hold such high numbers, contribute to the difficulties prisons face in providing sufficient purposeful activities. In his annual report 2011-12, HMCIPS identifies overcrowding as a factor in the low numbers of prisoners in purposeful activities.

89. Even where a prison is not overcrowded, additional problems may be created if a different prison population is moved into an establishment that was not designed to accommodate multiple populations. This is a likely situation as preparations are made for new prisons at Inverclyde and Grampian to open.

90. The Committee recognises that the movement of prisoner groups between prisons and sometimes overcrowded conditions are an unfortunate feature of the prison system. The strategy, therefore, should address how it will protect the provision of purposeful activities in these circumstances.

Staff resources

91. For those purposeful activities which are left to the discretion of governors and prisons (largely work, vocational training and work placement opportunities), there is a greater reliance on individual SPS staff to design and deliver them. This provides opportunities for staff to develop activities based on existing skills and experiences, as well as providing flexibility for developing links in the community and with local businesses. The Committee saw many examples of the innovative and popular workshops that are on offer in some prisons during its visits. It also, however, leaves these activities dependent on these individual staff members and this vulnerability has been raised as an issue throughout the inquiry.

92. In its written submission, HMYOI Polmont VC argues that “the unavailability of workshops due to lack of staff or absence (and lack of suitably skilled cover during illness, holidays etc) is a frequent source of frustration and a massive waste of resources”. During oral evidence, the AVC gave the example of the library at HMYOI Polmont which was closed for 16 months after the prison officer who ran it was promoted.25

93. The SPS itself recognises this vulnerability and, in its submission, states that—

“these workparties may not have the ability to ensure staff availability (due to the requirement for qualified instructors), and therefore when the member(s) of staff are absent, these work parties may not be able to be attended. The ability to recruit and retain staff as VT instructors also tends to be more difficult.”

94. The Committee recognises that it is difficult for individual prisons to provide sufficient staff resources to ensure all workshop activities can proceed despite staff changes and absences. The Committee does, however, believe that more could be done to ensure the continuity of these activities in these situations and highlights this as an issue to be included in the strategy on purposeful activity and reflected in the individual prison plans.

95. The Committee is aware that the movement of prisoners between prison and courts diverts staff resources from delivering purposeful activities. The Committee believes that the wider use of video conference technology could avoid the need for some prisoners to travel to court and, thus, free up more prison officers to deliver activities. The Committee recommends, therefore, that the Scottish Government consider this issue as part of its court reforms.

Access across the prison estate

96. In its submission, the SPS outlined the challenges to consistent delivery of purposeful activities—

“The prison population (currently numbering approximately 7,700) cannot be described as a homogenous group. This comprises women, men, young offenders, convicted and remand, short-term and long-term, lifers, mainstream, sex offenders and non-offence protections. Within this mix will be those with enduring mental health and substance misuse issues. Given the complexities, and whilst SPS strives to meet all offenders’ needs, it is unlikely that high aim can be achieved on every occasion.”

97. As discussed in paragraphs 54 to 64, the provision of education courses via two national providers across the 14 publicly managed prisons means that access to education can be expected to be fairly consistent, as are those work opportunities which relate to the operation of the prison and counselling and rehabilitative programmes. There are, however, significant inconsistencies in the provision of opportunities for work and vocational training.

98. Two main strands of concerns were raised in relation to this in the written evidence. The first was that such inconsistencies make it difficult for prisoners to complete a training course, or progress to a higher level, if they are transferred to another establishment. Such movement is reasonably common, given the current overcrowding pressures on prisons.

99. Secondly, submissions from Cornton Vale visiting committees highlight concerns that the provision of activities and opportunities for women is more limited than that for men. HMP Cornton Vale Over 21s VC argues that there is a perception that the male estate offers more opportunities, both on the range of options available and in terms of the workshop type activities for work/training which offer higher levels of pay. It also argues that the regular transfer of women between establishments “severely restricts regular access to these activities”.
100. In its submission, Howard League Scotland states that protected prisoners and women held in male-dominated prisons are not always well catered for. It raises this point in relation to HMP Edinburgh.

101. The Committee is concerned about the inconsistencies of access to purposeful activities across the prison estate and recommends that the Scottish Government and SPS address this in the strategy for purposeful activity.

Timetabling of prisoner activities

102. Another key theme which comes through the evidence is that prisons could significantly improve the way that activities are scheduled in order to timetable prisoners’ time more effectively. It is argued that the paper systems used by the public sector prisons to record and monitor attendance at activities are ineffective to timetable the large number of prisoner movements. Many submissions give examples of prisoners having to leave one activity before it has finished to attend another, thus limiting the benefit of attendance at both.

103. HMCIPS has championed the better timetabling of activities since he took up post in 2009. He argues that the effectiveness of purposeful activities would be maximised if timetables were used to schedule activities, thus avoiding clashes. He argues in his submission that the “scheduling of activities in this fashion is to be encouraged if optimum access is to be achieved”.

104. This view is endorsed by Positive Prison? Positive Future which claims in its submission that there is a significant reporting of timetable conflicts which result in prisoners “having to make a choice between two equally useful or purposeful courses with few, if any, alternatives available”.

105. In putting forward his case, HMCIPS has highlighted the use of computerised prisoner management systems at the two private prisons, HMP Addiewell and HMP Kilmarnock. He argues that—

“Computerised prisoner management technology is put to good effect in both private prisons … to record and measure the volume of prisoner activity. These systems are also the vehicle used to produce and interpret the data which, among other things, informs changes to the menu of activities available to prisoners and indicates the demand for activities. These systems also have the capability to produce individual timetables for prisoners and provide automatic calculations for the payment of their wage earnings. Public sector prisons are reliant on a manual data input system which provides none of the additional benefits enjoyed by more sophisticated technology.”

106. HMCIPS reiterated his disappointment that computerised prisoner management systems have not been installed in HMP Low Moss and HMP Shotts, newly opened and recently re-built prisons respectively, to the Committee when he
gave oral evidence and expressed a hope that they will be installed in HMP Inverclyde which is currently under development.26

107. The Committee agrees with those stakeholders who suggest that the SPS should use timetables to schedule prisoners’ participation in purposeful activities and urges the SPS to introduce them as soon as possible. Further, the Committee has concerns that, although prisoners have individual plans, their significance is not always recognised in what is provided. The Committee also agrees that using computerised prisoner management systems would benefit public sector prisons and is concerned that these have not been installed. The Committee asks the SPS what the installation of a computerised system would cost and what consideration it has given to investing in these systems across the prison estate.

TAKE UP OF PURPOSEFUL ACTIVITIES BY PRISONERS

108. A key theme throughout the evidence is the difficulties faced by the SPS and other providers of purposeful activities in encouraging prisoners to take up the opportunities available to them.

Prisoners’ lack of a daily routine

109. The ‘chaotic lifestyles’ of many prisoners prior to conviction has been cited as a major reason why many often lack the commitment or routine required to fully participate in purposeful activities. In its submission, the SPS states that—

“For many offenders, prison provides the first period of settled and stable living where they can address their individual and frequently complex needs. In many instances, this is a difficult journey and many struggle to cope with the demands that a structured environment brings. Many offenders in our custody are inevitably at different stages of their life journey. So, for example, stabilising a drug habit can be an achievement in itself for someone who has had no purpose or structure to their day due to drug dependency.”

110. HMP Glenochil VC observes that—

“For many prisoners come from backgrounds where a basic work ethic is completely absent. For some this could be the first occasion when they have had to work under direction and in compliance with quality standards; where they have had to pay attention to Health and Safety and function as a team in producing products for external customers in competition with outside providers.”

111. HMYOI Polmont VC is one of the many submissions that argue prison regimes need to do more to address this—

“The lack of a ‘work habit’ can be a considerable barrier and this affects many young men who have grown up in situations where ‘worklessness’ is the norm. Prison life does not always help to break this cycle. The

understandably difficult issue of how to provide sanctions for wilful non-participation in purposeful activity is one that requires to be addressed”.

112. During the visit to HMP Low Moss, opened in March 2012, one member was told that the prison’s operating day is between 7.30 am and 8.30 pm. Prisoners generally work from 8.30 am to 5.30 pm, with one hour for lunch, in order to normalise a working day routine. Exercise takes place in the evening to avoid interrupting this.

113. This issue was also discussed during oral evidence. PPPF argued that the issue is not a matter of some prisoners’ reluctance to work or participate but more the result of their upbringing and background so that “they have no idea what work is”. PPPF also argued that “the fact that they have ended up in jail will, for some [offenders], have been part of their trajectory from before they were born”.27 It argued that, therefore, that greater efforts should be made to engage and interest prisoners to overcome this barrier.

**Television viewing**

114. Another factor identified as contributing to prisoners’ reluctance to leave their cells and participate in activities is their unlimited freedom to watch television, day or night. This seems to be particularly pertinent to young offenders (YO) and both HMYOI Polmont and HMYOI Cornton Vale VCs highlight YOs’ preference to watch television to participating in activities.

115. Some argue that television viewing should be limited. HMYOI Polmont VC argues that “the unlimited access to television in cell viewing is, in our view, detrimental to setting good working habits, especially with a young offender population who may choose all-night viewing and then sleep during the day or choose to remain in their cells during the day” and HMP Glenochil VC argues that televisions should be turned off during the day.

116. In his October 2012 inspection of HMYOI Polmont, HMCIPS criticised the amount of time YO were allowed to watch television and found that—

> “The establishment regime does not encourage young offenders to engage in the most positive ways. Whilst many young offenders do involve themselves in activities, too often inspectors found evidence of young offenders still in their beds even in the afternoon. HMYOI Polmont has no specific plan to encourage and motivate young offenders to get up in order to go to activities such as education or vocational training. The HMYOI Polmont regime appears to do little to encourage aspiration.”28

117. In evidence, the Chief Executive of the SPS argued that he felt a reasonable amount of viewing was acceptable and that “I would much rather treat people with respect and decency in the sense of saying ‘Please use it sensibly’. Where people do not do that, we might have to curtail the activity for them.”

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118. The Cabinet Secretary, during his evidence, also called for a ‘common sense’ approach, arguing that—

“It is common sense that, if somebody stays up all night watching television, they will not be able to participate purposefully in activities. That is why changes have been made as new prisons have been constructed, such as the new prison at Low Moss.”

119. The Committee notes the concerns highlighted relating to some prisoners’ lack of experience of a working routine and recognises the important role that the Prison Service should play in developing this during custody in order to rehabilitate and best prepare the prisoner for life on release. The Committee recommends that the Scottish Government and SPS address this in any strategy on purposeful activities.

120. The Committee shares the concerns of many that some prisoners have unlimited opportunity to watch television. The Committee agrees that a reasonable amount of time to watch television is fair as part of a prisoners’ relaxation time. The Committee recommends, however, that guidelines regarding the appropriate amount of television viewing time be included in the strategy on purposeful activities.

Reluctance to participate in learning activities

121. This reluctance to participate seems to particularly affect the uptake of learning opportunities. Many prisoners have low educational attainment: during his evidence, the Chief Executive of the SPS stated that 50% of prison education resources deal with literacy and numeracy and a recent SPS response to a freedom of information request showed that poor literacy and numeracy levels in the current prison population are 81% and 71% respectively.

There is a proven link between poor educational attainment and school exclusions, especially before the third year of secondary school, and offending in later life; the Committee explored this issue in some detail during its round-table discussion on the links between school exclusions and offending.

122. Given the evidence that shows that stable employment is a key factor in desistance, and the importance of a good basic education in securing stable employment, it is imperative that prisoners improve their basic educational levels.

123. Many submissions argue that the reluctance to participate in learning opportunities is often due to negative experiences of the school environment and an unwillingness to admit the extent of their lack of education to prison authorities.

HMP Edinburgh VC, for example, suggests that some prisoners prefer not to apply for courses rather than admit low levels of literacy and numeracy.

124. The Committee has heard from a number of sources about the need to think creatively and innovatively about finding more successful ways of encouraging take up of activities and engaging prisoners with education services. Referring to prisoners’ negative school experiences, Carnegie College argues that it is essential that prison learning centres are not viewed as an extension to school. It also argues that the way engagement with education is encouraged within the prison system should be reviewed. Motherwell College argues that “it is crucial to make learning attractive, accessible and enjoyable” and makes a number of suggestions as to how this could be done.

**Length of time in classes**

125. The issue of the length of time given to educational classes has been raised a number of times with the Committee. Due to the difficulties associated with moving groups of prisoners, classes are often for a morning or afternoon, far longer than similar classes in non-custodial setting. Many argue that this is in contrast with the shorter attention span of many prisoners and is especially an issue when trying to engage with those who had bad experiences of learning at school. For example, the submission from HMYOI Polmont argues that “education timetabling needs to take account of many prisoners’ shorter attention spans and therefore the need for varied activities and shorter teaching times”.

**Format of learning opportunities**

126. The need to present learning opportunities in a different, more innovative way so that they are free from associations with school classroom learning and are delivered in a more appropriate format have been discussed throughout the inquiry.

127. During evidence, PFPP argued that—

>> “We need a slightly different starting point. Education on its own is just not sufficiently engaging to those who have no idea what it is, and we have to approach the issue on a completely different level and find a different way of showing prisoners what education can offer and provide them with”.  

128. Both of the national learning providers (Carnegie and Motherwell colleges) had a number of suggestions about how the format of learning opportunities could be improved to engage more with prisoners. They spoke about the ways that they would prefer to provide learning opportunities in a way that is more reflective of learning in the community, such as more themed work and project work which links to prisoners’ own interests, and linking with prisoners’ families through sending letters, art, helping children with homework, etc.  

129. Both providers also spoke about their preference to embed learning in other activities, such as art classes or work shop activities, to enable basic literacy and numeracy needs to be addressed in more subtle ways. The providers highlighted,
however, that the nature of the commercial contract they have with the SPS prevents them from doing this as their performance measures are based on quantitative measurements. Carnegie College argued that—

“there is a misalignment between what we are being asked to deliver and what we would like to have, in terms of performance measures. ... an element of the contract is a demand on us for discrete delivery of literacy and numeracy, which is not really the way in which to engage people who have disengaged from education. If we just invite people to come along to a numeracy class or a maths class, that does not work. However, if we invite them to a guitar class in which we have embedded numeracy so that they can acquire a numeracy qualification, that is a better way of reaching them. Offering discrete delivery is not the best way.”

130. It was also suggested to the Committee that shorter courses, with regular ‘achievement milestones’ would maintain prisoners’ interest and engagement and add to their sense of achievement.

Promotion of learning opportunities within prisons
131. The way in which courses and workshops are advertised was also highlighted as important. Examples, such as prison radio stations and magazines, were highlighted as useful ways of promoting the opportunities available.

132. There was a feeling that education services have been viewed as a “small service on the side that is not always properly integrated with other activities in prisons”. It was felt that a better understanding of the role of education within prisons would help promote the service, both at an organisational level and within prison halls.

133. Some of the evidence, including that from Carnegie and Motherwell colleges, suggested that the personal officer scheme should be more effectively used to promote an understanding of the benefits of learning opportunities and other purposeful activities.

Lack of awareness of special educational needs
134. An issue raised in some submissions, and also highlighted by Carnegie College during its oral evidence, was the feeling that some prisoners’ special educational needs are not identified during the induction process. This is the main opportunity to assess a prisoners’ needs.

135. In its submission, the College of Occupational Therapists argues that many prisoners experience life skills deficits due to health inequalities such as major mental illness, co-morbidity, head injury, learning disabilities and addiction. It argues that using the occupational therapy standard assessments would support the SPS directly relate activities, programmes and treatments to prisoners’ individual needs. Its submission highlights a recent programme developed at

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37 The personal officer scheme aims to train prison officers to mentor and provide individual support to prisoners.
Robert Gordon University which was able to identify prisoners who needed the most support on release.

136. The Scottish Consortium for Learning Disability also suggests that the prison service is not effective at identifying prisoners with learning disabilities and that this “may represent a significant barrier to people with learning disabilities being included appropriately within purposeful activity” and, therefore, the same opportunities to address their offending behaviour.

137. The Committee has previously considered the wider issue of the speech, language and communication skills of children and young offenders in its round-table on 22 May 2012. When asked about the potential role of occupational therapists in delivering interventions, the Chief Executive of the SPS acknowledged that he had not specifically considered the role of occupational therapists but that the issue will now be considered by the national guidance panel on YO.

More effective use of technology
138. An issue highlighted repeatedly during the inquiry is the impact of the lack of internet access on sourcing information for education courses and searching for jobs prior to release. In its submission, Motherwell College provides further information about the virtual campus which allows prisoners to access a limited number of websites, contact their tutor and search for information on employment and accommodation on release. All activity is monitored by staff.

139. Many stakeholders argue that technology does exist that would allow internet access while preventing access to inappropriate sites. There are also interactive programmes that do not require internet access. During the visit to HMP Inverness, one member heard about the development of an intranet to support training programmes.

140. Both representatives of the national learning providers reiterated this concern during their oral evidence, stressing the added value access would bring to learning, especially to younger prisoners who have experience of using the internet at school and home. Carnegie College argued that “we cannot take prisoners outside, so it is important to bring as much in from outside as we can do”. Both also argued that there are examples of secure internet sites which show that access can be safely provided.

141. In his submission, James Watson argues that the television system could be used more effectively as a delivery channel for educational output, enabling “a number of courses, educational material and information to be delivered directly to cells”.

SPS wages policy
142. A number of stakeholders have highlighted the possibility that the earnings policy exacerbates the reluctance of prisoners to undertake some activities,

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38 See paragraph 164 for further information.
41 James Watson is an ex-prisoner at HMP Low Moss (written submission PA8).
especially education courses. The SPS has a national earnings policy which sets the parameters for prisoners’ weekly pay: prisoners are paid a basic cell wage of £4.80 with additional earnings from participation on purposeful activities, provision of peer support to other prisoners and other additional roles. Earnings for purposeful activities range from £4.80 for participation on education courses to £12 for some work parties. Bonuses are also paid in relation to some production work.

143. Many stakeholders argue that the wages policy should be adjusted to give equal worth to time spent in education classes as work in order to overcome any disincentive created by the disparity in wages. The prisoner representative group at HMP Castle Huntly argues that the policy makes it clear that the SPS does not consider education a particular purposeful activity and the AVC argues that the difference in wages “militates against prisoners tackling the educational issues which may be a barrier to future employment prospects and to reducing reoffending”. In its submission, HMP Glenochil VC argues that—

“Productivity bonuses paid for some work results in prisoners declining other less well remunerated work. It also results in refusals to take up education opportunities.”

144. During oral evidence, PPPF argued that more recognition should be given to the role that wages play in incentivising prisoners to take up a particular activity, stating that “in the main, most prisoners cannot think to a far horizon—it is more about the short-term thinking that they can earn far more doing an ordinary job and they want the money”.42

145. From the evidence received, and members’ observations during their prison visits, the Committee recognises the good work that prison education centres do in providing a supportive learning environment. The Committee notes the representations made to it, however, that aspects of the delivery of education services could be significantly improved and recommends the Scottish Government and SPS consider these in the strategy for purposeful activities.

146. In particular, the Committee believes that it would be advantageous for information about first time offenders’ educational attainment, such as school reports, to be made available to the SPS upon the offenders’ imprisonment. This would supplement the information about prisoners’ educational qualifications and literacy and numeracy needs that is currently gathered during the induction process.

147. The Committee strongly agrees that secure access to the internet is both achievable and highly desirable to provide a learning environment which is comparable to that in the community. Not only would this support staff and learners but it would also help prisoners continue their learning in the community following their release. The Committee appreciates that there are security concerns but highlights the evidence submitted to it that

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these can be addressed. The Committee has been informed that the SPS is currently reviewing this policy and calls on this review to be concluded as soon as possible to enable internet access to be provided to education centres across the prison estate.

148. The Committee is also concerned that the SPS prisoner wages policy, by paying work activities a higher wage than learning activities, does not recognise the value of education. The Committee has not been given a reason why this disparity exists. The Committee agrees that this would seem to discourage participation with learning activities and urges the Scottish Government and SPS to review this policy as a matter of urgency.

149. The Committee recognises the concerns raised in a number of written submissions that prisoners’ special educational needs are often not identified during the prison induction process and believes that this situation must be addressed. The Committee welcomes the Chief Executive of the SPS’s commitment to consider this issue, and the potential role that occupational therapists might play, as part of the national guidance panel on young offenders (YOs). The Committee is of the view, however, that this is as much of an issue for the adult prison population as for YOs and recommends that this issue should be addressed within the strategy for purposeful activities.

ISSUES RELATING TO SPECIFIC GROUPS OF PRISONERS

150. Throughout the course of the inquiry, it has been highlighted that there are specific challenges in terms of delivering purposeful activities to different groups of prisoners. This was recognised by the Chief Executive of the SPS—

“The traditional focus … has been on longer-term offenders, by which I mean those who serve four years or more. We recognise that peaks in reoffending occur with shorter-term offenders and that we not only need to ensure a better balance of provision for long-term prisoners, short-term prisoners and those in custody awaiting the court process, but must be more specific about the services that we are providing to meet the individual needs that have been identified.”

Remand prisoners

151. The 2011 Prison Rules state that remand prisoners are not required to work and, as a result, they can spend long periods of time without anything to do. A large number of submissions, especially those from visiting committees, identify this as an issue and argue that it should be addressed as remand prisoners have not been found guilty and are not, therefore, in prison being ‘punished’. This was also an issue which members explored during their visits to prisons.

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43 Evidence provided by Carnegie and Motherwell colleges on 5 February 2013 and in their written submissions.
45 During oral evidence, the AVC reported that eight remand prisoners got involved in work and two in education at HMP Perth in the past year. Scottish Parliament Justice Committee. Official Report, 5 February 2013, Col 2307.
152. Members have been concerned that some remand prisoners are discouraged from participating in case it is seen as an admission of guilt.

153. During members’ visit to HMP Edinburgh, they were told that remand prisoners tend not to have much interest in participating in purposeful activities as their first few weeks in custody are usually spent stabilising their addictions and setting into the prison regime.

154. The Committee notes the concerns raised by a number of stakeholders relating to the opportunities remand prisoners have to participate in purposeful activities. The Committee recommends that the Scottish Government and SPS give this matter focused consideration when drafting the strategy on purposeful activity.

Short term prisoners

155. The ability of short term prisoners – those sentenced for four years or less – to participate meaningfully in purposeful activities has been a significant theme raised over the course of the inquiry. The Committee has been told that, taking into account the time needed to settle into the prison regime on entry to the prison, a prisoner needs a minimum sentence of six months in order to achieve something meaningful and useful from their sentence, be it a class, workshop or intervention, and that it is difficult to structure something in a shorter period. A two year prison term was given as the ideal length of time to enable a prisoner to make effective use of the opportunities available.

156. As set out in paragraph 39, short term prisoners are the most likely category of prisoner to reoffend and many highlighted to the Committee that, over the course of their ‘offending career’, many serve the equivalent of a long term prison sentence. Their frequent return to prison has been referred to as a ‘revolving door’ situation.

157. In addition, the Committee has been told that there is little incentive for short term prisoners to participate in purposeful activities. Just as it is suggested that educational activities are provided in a different format, so it could be suggested that shorter courses could be run to enable short term prisoners to participate more easily.

158. The view was put forward by a number of stakeholders that long term prisoners have an incentive to participate because good attendance would be considered favourably by the parole board that long term prisoners must pass in order to secure a release date. It was acknowledged, however, that this incentive does not exist for short term prisoners who have a fixed release date.

159. During evidence, the Cabinet Secretary was asked about the feasibility of making internal prison reports available to the judiciary during court appearances. This proposal was on the basis that an awareness that their participation in prison activities might be taken into account during a future court appearance might persuade a prisoner serving a short term sentence to engage more. The Cabinet Secretary welcomed this proposal, arguing that “anything that gives the judiciary
more information can only be welcome, especially as we change our court structures towards case management and problem solving”.46

160. The Committee remains very concerned about the small number of short term prisoners (those serving sentences of four years or less) who participate in purposeful activities. The Committee recognises that there are particular difficulties in engaging with this category of prisoners for a number of reasons; for example, the length of some short term sentences and the lack of incentives to participate. The Committee strongly believes, however, that, given the fact that reoffending rates are highest amongst short term prisoners, greater efforts must be made to persuade them to participate in activities which will support their rehabilitation. The Committee believes that the SPS, supported by the Scottish Government, must give further thought about how to address this as a matter of priority.

161. The Committee asks that the Scottish Government consider the proposed requirement that internal prison reports are made available to the judiciary during court proceedings when its court reform policies are finalised in the coming months.

Young offenders

162. In its submission, HMYOI Cornton Vale VC argues that “YO have a different type of personality to adult prisoners and different needs” and some concerns have been raised about the degree to which the SPS takes this into account.

163. During the evidence with the Cabinet Secretary, the Chief Executive of the SPS stated his intention that the Prison Service would fundamentally rethink its approach to dealing with YO. He argued that “for too long, as an organisation we have been viewing the young in custody as just young adults when they are actually rather different”. He argued that this approach would recognise that tackling the causes of offending behaviour in YO can help these young people turn their lives around before offending becomes an established behaviour and a way of life as “it is almost the last-chance saloon for some of them”.47

164. He went on to detail the SPS’s intention to establish HMYOI Polmont as a secure college and referred to the establishment of a national guidance panel, made up of representatives from Education Scotland, health authorities, third sector and local communities, to consider how this can be achieved.48 This follows the UK Government’s consultation Transforming Youth Custody: Putting Education at the Heart of Detention, launched on 14 February 2013, on its proposal to establish secure college institutions in England and Wales.

165. The Committee welcomes the SPS’s intention to give a renewed policy focus to the different needs and challenges associated with YOs. The

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Committee agrees that it is imperative to tackle YOs' offending behaviour to ensure that their first experience of the prison system is also their last and welcomes the proposal to give HMYOI Polmont a stronger educational and vocational focus. The Committee expects updates from the national guidance panel established by the SPS to inform this proposal as this policy takes shape.

OTHER FACTORS THAT CONTRIBUTE TO REDUCING REOFFENDING

Family relationships

166. As set out at paragraph 42, developing and maintaining a good relationship with family members is a key factor in reducing reoffending and, for this reason, is one of the nine national offender outcomes.

167. The Committee has been supportive of the emphasis being given to the development and maintenance of family contact by HMCIPS over the course of his appointment. HMCIPS has previously raised his concerns with the Committee that some facilities provided by prisons for family visits are basic and miss the opportunity to engage more meaningfully with, and provide support to, prisoners’ families.\(^{50}\) The Committee has previously welcomed the attempts to improve these facilities at HMYOI Cornton Vale, but facilities vary across the prison estate and some visitor centres are little more than a functional waiting room.

168. In evidence to the Committee, HMCIPS has stated that—

“We do not do family access well. … We do not engage with the prisoner or link with the family or the community. We could do so much better on that— and do it more intelligently. Just doing it in the way in which it has always been done is not good enough.”

169. The Committee is aware that some prisons have established facilities to provide comfortable and informal accommodation for family visits. During the visit to HMP Low Moss, one member saw the prison’s family centre which encourages family evening visits to allow prisoners to help their children with their homework and play with young children. Local guide and scout clubs meet there and it also hosts parties and other events. This is part of the prison’s policy to recognise family contact as an important element of a prisoner’s rehabilitation and the prison intends to start recording family visits as purposeful activity from next year.

170. During his second evidence session, the Chief Executive of the SPS spoke about the importance of family contact during imprisonment, saying that “how we keep offenders more qualitatively in contact with families, wives, husbands, sons and daughters—particularly young children—is an issue that we must tease out, because it is a fundamental factor that we know helps to reduce offending.”\(^{51}\)

171. He went on to say that the SPS is changing its approach to dealing with prisoners to take into account the importance of families in an offenders’ journey to desistance. He spoke about the SPS’s intention to establish family centres, known


as family help hubs, which would provide a base for the wider community to engage with prisoners and their families—

“In some ways, we are beginning to explore a new future for the SPS, in the context of the wider community and what we have to do to reduce reoffending. … The journey that we are on involves recognising that we need to work in partnership with communities and voluntary agencies, because that is where the real traction will be if we are to make a difference and support those who can have a positive influence on people who have offended. … The ambition is for every custodial facility in Scotland to have a family help hub.”52

172. Families Outside, in its written evidence suggested that “while practice varies across the estate, many Scottish prisons continue to use quality family contact as an incentive to good behaviour, rather than as a basic right to family life”.

173. The Committee welcomes the SPS’s new approach to providing better support to prisoners’ families and fully endorses the planned improvements of visitor facilities and, in particular, family centres across the estate. The Committee would welcome a response to the claim put forward by Families Outside.

Throughcare

174. The Scottish Government explained that throughcare refers to “what happens to someone after they leave prison”.53 Statutory throughcare is provided to long term prisoners (serving a sentence of over four years), placing obligations on both the prisoner and criminal justice services and a community integration plan is the key document prepared by the prison authorities for use by criminal justice social services in managing these obligations. For prisoners released after serving a shorter term sentence (four years or less), voluntary throughcare arrangements may be in place but are not required.

175. Throughcare, therefore, recognises that the causes of an offenders’ behaviour are rooted in their life in the community and that effective support to address this must also be based in the community.

176. During his evidence to the Committee, the Chief Executive of the SPS emphasised that desistance is a journey for prisoners—

“sometimes it is a long journey and different things happen. For someone simply to stop offending is very rare. What usually happens is that behaviours change, and those who succeed in that ultimately desist from offending.”54

177. He emphasised that, as with any journey, prisoners need support at all points on the way and that it is important to provide effective linkages between the support which is started in the prison environment and that which is continued in

the local community. This support can only be provided in partnership with third sector organisations and local authorities.

“We are beginning to explore the boundaries of what prisons can do on their own … and the next major development or leap forward is to open up the service and have in-reach or outreach services on a completely different scale that will really connect communities with offenders and connect offenders with the communities that they are going back to.”

178. The Cabinet Secretary provided details about a throughcare pilot that is being run at HMP Greenock which provides 12 weeks of intense support, evenly split before and after a prisoner’s release date. The Chief Executive of the SPS went on to say that—

“We have effectively established a new role for prison officers … Dedicated staff work intensively with offenders for six weeks as they prepare for release and they support those offenders for the six weeks following their release by making sure that they get to their appointments and that the referrals that are arranged actually take place. Crucially, they also provide an urgent or immediate point of contact for offenders should they perceive themselves to be at risk of reoffending.”

179. The Committee recommended in its report on the Draft Budget 2012-13 and Spending Review 2011 that the Scottish Government considers whether it would be cost-effective to extend the statutory duty on local authorities to produce throughcare plans for all offenders, rather than just for those with sentences of four years or more. The Scottish Government responded that it would be conducting a review of throughcare as part of its Reducing Reoffending Programme and that it would consider the cost-effectiveness of extending the statutory duty on local authorities to produce throughcare plans for all offenders as part of the review. The Committee would welcome an update on the timescale for the Scottish Government’s review on throughcare.

180. The Committee welcomes the increased emphasis being given to throughcare as it is vital that an adequate support package is provided to prisoners on release which recognises the broad range of factors which may have caused their offending behaviour.

181. The Committee remains of the view that statutory throughcare should be available to short term prisoners and urges the Scottish Government to consider this as part of its SPS strategy, as well as part of its redesign of the community justice system.

Prisoner to prisoner mentoring

182. Mentoring has been suggested for use within the prison environment, for example, prisoners assisting during the induction process, within purposeful activity workshop or classes and to provide support around a prisoner’s release.

Mentoring is also provided by third sector organisations and the Chief Executive of the SPS has suggested that there is a role for prison staff to mentor offenders as well (paragraph 78).

183. In its submission, HMP Greenock VC argues that “for some prisoners, purposeful activity might lie in imparting their knowledge and/or skills to fellow prisoners”. For prisoners who possess qualifications and work experience, “such prisoners might well benefit hugely were there to be the opportunity to help teach or train others. The fellow prisoners who they would help train would also derive substantial benefit.”

184. In its submission, the prisoner representative group at HMP Castle Huntly takes this further, arguing that there should be better promotion of role model ex-offenders or “motivating by example”, asking “where are the ex-inmates who have overcome the hurdles in building responsible lives?”

185. Apex Scotland argued that it had “found that peer mentors work in reaching those who are harder to get to and who do not show much initiative or willingness to conform”.

186. In its supplementary submission, the SPS recognises the need for a “strong focus” on mentoring, whilst in prison and in the transitional period immediately following release. It argues that there is a role for both prison staff - which would be a significant extension of their ‘traditional’ role, - as well as for ex-offenders.

187. The role of the personal officer scheme was also raised during the inquiry. During his oral evidence, HMCIPS argued that—

“I constantly criticise [the ineffective delivery of the]... the personal officer scheme, whereby the Prison Service has staff who should be trained in the mentoring of and engagement with prisoners. That must be improved and I have called for that to be done. There is a way of meeting those prisoners either in the halls or elsewhere, and trying to persuade, mentor and encourage them.”

188. PPPF argued, however, that this might not always be the most effective mechanism to engage with prisoners, arguing that—

“... because prisons are a coercive environment, people will sometimes not willingly engage with a prison officer because they see them as the opposition or whatever. ... It might be that the prisoner will not open up to a prison officer who is their personal officer, but that the prisoner may well speak openly to and engage with somebody from the voluntary sector coming in, because of their perceived neutrality.”

189. When the Cabinet Secretary gave evidence to the Committee on 26 February 2013, he highlighted the role of the Reducing Reoffending Change Fund (RRCF), a £10m pot to provide for mentors to support ex-offenders to re-establish their

lives, following release, without reoffending. The Cabinet Secretary stated that the Scottish Government is currently at the stage of considering applications to the fund.

190. The Committee recognises that there is tremendous scope for developing mentoring programmes within prisons and outwith in throughcare provision and welcomes the SPS’s approach. The Committee believes that there are many other opportunities for utilising a mentoring scheme and recommends that these are given due consideration in the strategy on purposeful activity.

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ANNEXE A: EXTRACTS FROM THE MINUTES

35th Meeting, 2012 (Session 4) Tuesday 4 December 2012

Work programme (in private): The Committee considered its work programme and agreed to: (a) undertake a short, focused inquiry into access to purposeful activity in prison; [. . .]

3rd Meeting, 2013 (Session 4) Tuesday 29 January 2013

4th Meeting, 2013 (Session 4) Tuesday 5 February 2013
Inquiry into purposeful activity in prisons: The Committee took evidence from—
 Neil Powrie, Convener, Association of Visiting Committees for Scottish Penal Establishments;
 Brigadier Hugh Monro, HM Chief Inspector of Prisons for Scotland;
 Pete White, Co-ordinator, Positive Prison? Positive Futures;
 Dr Kimmett Edgar, Head of Research, Prison Reform Trust;
 Alan Staff, Chief Executive, Apex Scotland;
 Katharine Brash, Assistant Head of School, Offender Learning and Skills, Carnegie College;
 Andy Martin, Chief Executive, Martin Plant Hire;
 Kirsten Sams, Manager, Offender Learning and Skills, Motherwell College.

6th Meeting, 2013 (Session 4) Tuesday 26 February 2013
Inquiry into purposeful activity in prisons: The Committee took evidence from—
 Kenny MacAskill, Cabinet Secretary for Justice;
 Joe Griffin, Deputy Director, Community Justice, Scottish Government;
 Colin McConnell, Chief Executive, Scottish Prison Service.

9th Meeting, 2013 (Session 4) Tuesday 19 March 2013
Inquiry into purposeful activity in prisons: The Committee considered the evidence received and agreed to consider a draft report at a future meeting.

10th Meeting, 2013 (Session 4) Tuesday 26 March 2013
Inquiry into purposeful activity in prisons (in private): The Committee considered a revised draft report. Various changes were agreed to and the Committee agreed its report.
ANNEXE B: INDEX OF ORAL EVIDENCE

3rd Meeting, 2013 (Session 4) Tuesday 29 January 2013
Colin McConnell, Chief Executive, Scottish Prison Service

4th Meeting, 2013 (Session 4) Tuesday 5 February 2013
Neil Powrie, Convener, Association of Visiting Committees for Scottish Penal Establishments
Brigadier Hugh Monro, HM Chief Inspector of Prisons for Scotland
Pete White, Co-ordinator, Positive Prison? Positive Futures
Dr Kimmett Edgar, Head of Research, Prison Reform Trust
Alan Staff, Chief Executive, Apex Scotland
Katharine Brash, Assistant Head of School, Offender Learning and Skills, Carnegie College
Andy Martin, Chief Executive, Martin Plant Hire
Kirsten Sams, Manager, Offender Learning and Skills, Motherwell College

6th Meeting, 2013 (Session 4) Tuesday 26 February 2013
Kenny MacAskill, Cabinet Secretary for Justice
Joe Griffin, Deputy Director, Community Justice, Scottish Government
Colin McConnell, Chief Executive, Scottish Prison Service
ANNEXE C: INDEX OF WRITTEN EVIDENCE

Evidence received in alphabetical order

Apex Scotland (7KB pdf)
Association of Visiting Committees (186KB pdf)
Barlinnie Visiting Committee (114KB pdf)
Carnegie College (146KB pdf)
Circle (76KB pdf)
College of Occupational Therapists (170KB pdf)
Dumfries Prison Visiting Committee (51KB pdf)
Edinburgh Prison Visiting Committee (136KB pdf)
Families Outside (169KB pdf)
Glenochil Visiting Committee (129KB pdf)
HM Inspectorate of Prisons Scotland (156KB pdf)
HM Inspectorate of Prisons Scotland (supplementary submission) (63KB pdf)
HMP and YOI Cornton Vale Over 21s Visiting Committee (117KB pdf)
HMP Greenock Visiting Committee (115KB pdf)
HMP Kilmarnock Visiting Committee (69KB pdf)
HMP Open Estate Castle Huntly Visiting Committee (137KB pdf)
HMYOI Polmont Visiting Committee (119KB pdf)
Howard League Scotland (72KB pdf)
James Watson (95KB pdf)
Motherwell College (217KB pdf)
Positive Prison? Positive Futures (88KB pdf)
Prison Reform Trust (122KB pdf)
Prisoner representative group, HMP Castle Huntly Open Estate (162KB pdf)
Public and Commercial Services Union (30KB pdf)
Robertson Trust (245KB pdf)
Scottish Consortium for Learning Disability (104KB pdf)
Scottish Prison Service (73KB pdf)
Scottish Prison Service (supplementary submission) 179KB pdf
YOI Compton Vale Visiting Committee (130KB pdf)

Written submissions are also published (in the order received) on the Committee's webpage at:
http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/57752.aspx
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