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Ms Audrey Nicoll MSP
Convener
Criminal Justice Committee
The Scottish Parliament
EDINBURGH
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30 May 2025

Dear Convener,

Fatal Accident Inquiries into the deaths in custody of Jack McKenzie, Katie Allan and William Lindsay (Brown), and an update on the establishment of a Ministerial Accountability Board

I write to update you following my previous updates to Parliament by statement on [23 January](#) and [27 March 2025](#), regarding Deaths in Custody. On those dates, I set out the actions the Scottish Government and the Scottish Prison Service (SPS) are taking to address the systemic failures identified by Sheriff Collins in the [joint Fatal Accident Inquiry \(FAI\) determination](#) into the deaths in custody of Katie Allan and William Lindsay, also known as William Brown. The joint FAI contained 15 main recommendations which covered themes including the prison cell environment and ligature risks, suicide prevention policies, information sharing between courts and prisons, staff training and learning from previous incidents. Scottish Ministers accepted the recommendations in full in the [formal response to the determination](#).

Since the publication of Katie and William's determination, a further FAI has been published relating to Jack McKenzie. Sheriff Collins also oversaw these proceedings and [published his findings](#), with 7 recommendations, on 20 May 2025. Three of the recommendations were identical to those in Katie and William's determination and the Sheriff himself noted significant overlap between the cases and the issues previously identified. A formal response to the FAI determination will be sent by SPS to the Scottish Courts and Tribunal Service, by the 8-week deadline of 11 July.

Ministerial Accountability Board

I am committed to strengthening oversight for all recommendations accepted by Scottish Ministers, and to driving forward their implementation to deliver the necessary reforms to

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ensure prisons are safe and rehabilitative. The [Programme for Government](#) this year reaffirms my commitment to this and to establishing a Ministerial Accountability Board. The Board's central focus will be to drive delivery against the commitments made in respect of Katie and William's determination. It will bring together relevant experts and play a vital role in holding delivery partners to account, monitoring progress against specific actions, and helping to address any challenges that arise. The first meeting is scheduled for 19 June, where the Board will agree its terms of reference and set out a work plan for the months ahead. I would be happy to keep the Committee updated as these plans progress, and the work of the Board takes shape.

The Board is a temporary measure introduced in advance of establishing a fully independent National Oversight Mechanism (NOM) for all deaths in custody. In my letter to the Criminal Justice Committee regarding the Independent Review of the Response to Deaths in Prison Custody, I have outlined further details on the NOM. I remain firmly committed to ensuring that all outstanding commitments made under the Independent Review remain visible and are fully delivered. To support this, I will request that the Deaths in Prison Custody Action Group (DIPCAG) provide a comprehensive update to the Ministerial Advisory Board (MAB), ensuring the Board has a clear understanding of its remaining work and the broader context of the essential reform still required.

His Majesty's Inspectorate of Prisons for Scotland (HMIPS)

His Majesty's Inspectorate of Prisons for Scotland (HMIPS) will bring independent rigour and demonstrate whether the necessary actions have been taken and are having the intended impact on the ground. HMIPS will also work with Healthcare Improvement Scotland to assess the effectiveness of the action taken to implement the healthcare related recommendations. In my statements to Parliament I emphasised the critical importance of independent scrutiny and noted that the Chief Inspector shares my view on the need for rigour and transparency in this work, as well as the need to involve families, prisoners, SPS staff and expert advice. HMIPS will provide me with an initial report on progress by the end of the summer.

Scottish Prison Service progress

The Scottish Prison Service has made clear its commitment to meaningful reform in the FAI response and has reaffirmed this by establishing a Chief Executive-led taskforce to drive change.

SPS have launched an independent review of their suicide prevention policy "Talk to Me", led by Professor Graham Towl. [A public Call for Views is open](#), and site visits are underway, with an overhauled policy expected by the end of the year.

SPS has taken forward work to remove ligature risks from the physical environment of HMP & YOI Polmont, and further progress is continuing at pace. SPS will consider the need for this work across the wider prison estate.

In response to FAI findings on ligature risks, SPS has, with external expert advice, developed a dedicated risk assessment tool, with a pilot planned for the Polmont population this summer. The pilot is supported by NHS expertise and options are being considered for a

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digital recording system to support a robust evaluation which will be reported to me later in the year.

SPS has also been actively exploring the use of 'Signs of Life' or presence detection technology to enhance safety within the custodial environment. Engagement with the wider market has identified three potential providers. It is anticipated that each supplier will provide a small number of devices for pilot testing, with trials set to begin for young people at both HMP Polmont and HMP Stirling this summer. The design and installation arrangements required for the pilot are already in place to support the rollout. The learning from this pilot will inform the operational consideration of any potential future business need.

Furthermore, work is also underway to strengthen safety and wellbeing in prison. A working group has been established to develop a new, robust and impactful *Think Twice* anti-bullying policy, which will reflect a broader understanding of bullying within the prison environment. Additionally, policies around items in use are being reviewed, with the Governor of Polmont leading this work specifically.

SPS retains operational responsibility to get on and deliver the required actions but it will report its progress to the Ministerial Accountability Board regularly and will also provide updates in line with the undertakings set out in its formal response to Katie and William's FAI determination.

NHS Forth Valley progress

The Chief Executive of NHS Forth Valley considers that all recommendations from the FAI determination aimed at the healthcare team in HMP & YOI Polmont have been met as a result of work undertaken between 2018 and the determination being published in January 2025. The 2023 HMIPS inspection of HMP & YOI Polmont provides further evidence from external inspectors that appropriate actions have been identified, completed and are having the desired impact on outcomes to those within HMP & YOI Polmont. Whilst the determination focused on HMP & YOI Polmont, all actions identified have also been implemented across HMP Glenochil and HMP & YOI Stirling.

Scottish Government progress

Scottish Government officials are leading the development of a standardised approach to ensure that all information from relevant agencies is shared with SPS at the time of a person's admission to prison. This approach is at initial stages of development and will report regularly on progress to the Ministerial Accountability Board.

On 7 April 2025 the Legal Aid Determination, enabling close family members who are involved in deaths in custody FAIs to have access to non-means-tested legal aid, came into effect. The Scottish Legal Aid Board has advised that it has already been used to grant legal aid to family members.

As I said in my statement of 23 January, I am also commissioning a focused independent review of the FAI system that will look at the efficiency, effectiveness and trauma-informed nature of investigations into deaths in prison custody. Retired Sheriff Principal Ian Abercrombie has agreed to Chair the review, which I have asked to report this year. I have

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written separately to the Equalities, Human Rights and Civil Justice Committee about this and have copied the letter to you.

I am also continuing to pursue the lifting of Crown Immunity with the UK Government. The Scottish Government wrote to the previous UK Government on this issue and did not receive a response. I have continued to pursue this issue with the current UK Government and will personally raise it with UK Government ministers at the first opportunity.

The deaths of Katie, William, and Jack should not have happened whilst they were in the care of state. I have expressed my deepest condolences to their families and I am truly sorry for their deaths. Systemic change is needed to address the systemic failures identified and that is the driver for the action the Scottish Government, and our partners, are taking.

I hope the Committee has found this information useful and I will continue to keep Parliament informed as work in this area progresses.

Yours sincerely,



ANGELA CONSTANCE

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