
Via Email

Teresa Medhurst
Chief Executive
Scottish Prison Service

6 February 2024

Dear Teresa,

Prisoner Transport – Ongoing Concerns

HMIPS is a member of the Scottish Health in Custody (SHiC) Oversight Board (OB) where the attached paper was discussed at the meeting of 18 December 2023.

The paper details the rate at which planned healthcare appointments, external to the prison, are being missed as a consequence of failure to provide transport. The volume, recent increase, and differences in performance between establishments were all matters giving rise to concern as was the statement that the data may not reflect the full extent of the problem.

The right to health and other health-related human rights are legally binding commitments enshrined in international and UK human rights instruments. Every human being has the right to the highest attainable standard of physical and mental health.

In Scotland, the principle of equivalence is also applied to prison healthcare to reflect the equivalence to healthcare in the community. Providing for the health needs of people in custody is core to a human rights approach to custody.

The recent Audit Scotland report [The 2022/23 audit of the Scottish Prison Service \(audit-scotland.gov.uk\)](https://www.audit-scotland.gov.uk) stated that the delivery of the SCCPES contract is critical to the effective operation of the criminal justice system in Scotland. However, it is the impact on prisons that concerned the SHiC OB and HMIPS.

This is not the first time that HMIPS has raised serious concerns about the prisoner transport provision since its inception, but despite being repeatedly reassured that steps were being taken to address the issue; the statistics in the attached paper indicate that the situation is not improving and that 'access to health' standards are being routinely breached.

HMIPS is fully aware that significant efforts, by all agencies including the transport provider, to resolve the issue continue, and in particular that with the assistance of the Scottish Government SPS has provided GEOAmev with additional funding to boost the pay of front-line staff by 17.5% and hopefully thereby improve recruitment and retention rates. We recognise too that some of the statistics in the paper refer to a period before this additional funding had been made available and that it will take time for the impact of the pay uplift to work fully through the system. Nevertheless, the stark fact that missed appointments were such a significant proportion of all appointments, and for example, on one site more appointments were missed than fulfilled, is deeply troubling.

There is an urgent need to consider what further measures and alternative options can be taken to minimise the negative impact on the people who are affected by this failure.

In addition to the recommendations put forward in the paper I would therefore like to add the following:

- I now seek assurance that SPS, as the duty holder, has defined contingencies in place across each site and has ensured that failures in the transport arrangements do not impact on delivery of healthcare as a clear priority. Contingencies should be fully described, scoped, promulgated, and considered for all establishments to address the shortcomings of the transport provider – it is inequitable if there are solutions on some sites that are not made available across all prisons.
- The reasons for the differences between sites should be fully explored by SPS and the NHS to establish whether there are measures taken by the prison or the health provider to ameliorate negative outcomes that can assist other sites.
- The letter to Medical Directors seeking that those affected do not lose their place in waiting lists should be escalated and written assurance sought from the NHS providers to each establishment, given that missed appointments are not attributable to the patient.



Given the level of concern I would appreciate a written briefing, that I can share, on the steps being taken to improve the situation, both in the immediate term and in the longer term including information on when you expect to be able to assess the impact of the pay uplift for front-line GEOAmeystaff on recruitment and retention rates.

I will be copying this letter to GEOAmeystaff and to my IPM Advisory Group.

Yours sincerely,

Wendy Sinclair-Gieben,
HM Chief Inspector of Prisons for Scotland,
Chair, UK National Preventive Mechanism

Copy to

Cat Dalrymple, Director of Justice, Scottish Government
Dr Craig Sayers, NPrCN
Kathrine Mackie, Chair of the IPM Advisory Group

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Teresa Medhurst
Chief Executive

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07 March 24

Dear Ms Sinclair-Gieben,

PRISONER TRANSPORT – ONGOING CONCERNS

Thank you for your correspondence dated 6 February 2024 regarding the issues raised at the Scottish Health in Custody (SHiC) Oversight Board (OB) meeting on 18 December 2023.

It is clear from the information provided at that meeting that GEOAmeY, the contracted Service Provider (SP) were not complying with the terms of the Scottish Court Custody and Prisoner Escort Service (SCCPES) contract. It is also clear that many individuals within our care are not receiving the appropriate level of care in relation to attending Health Care appointments at Hospital.

The SPS has, for a significant period, tracked the performance of GEOAmeY in relation to this issue and has issued two separate contractual Improvement Notices (IN), to the Service Provider in the last 2 ½ years. The first IN was issued in December 2021, where it had an immediate effect of improving service delivery and performance to a level of service that was 98% compliant, therefore it was removed in April 2022. The table in the SHiC presentation, details the impact of the IN reducing the failed appointments over the period in question.

To note, that period in question (Nov 21 to April 22) was also during the COVID19 outbreak, where high levels of absence were highlighted, with upto 12% of their available deployable staff group (up to 70 Prison Custody Officer's (PCO)) absent through self-isolation or illness. Performance in relation to hospital appointments improved significantly over this period, due to increasing recruitment levels offsetting absence.

Subsequently, during a period of national employee shortages and with many retail and service companies providing above inflation wage rises for hourly paid staff, GEOAmeY lost a number of staff to other service groups as well other Justice partners. They were unable to recruit enough staff to offset their reducing staffing levels, as such staffing levels continued to fall throughout the rest of 2022.

In December 2022, the SPS issued GEOAmeY with another IN as hospital appointment performance

had again fallen to such a suboptimal level that action had to be taken. The same table in the SHiC presentation demonstrates that the contractual IN applied had an initial impact on GEOAmeY performance improvement. In addition, SPS agreed to suspend the use of virtual custodies from Police Custody Units (PCU) where GEOAmeY staff had been deployed in a non-contractual deployment to support the reduction in spread of COVID19 in a court setting. The GeoAmeY staff were immediately deployed into two areas, hospital appointments and supporting court delivery, which had started to show signs of staffing shortages.

However, staffing levels by March 2023 had reduced to such a level, circa 100 PCO Full time Employment (FTE) under Targeted Operating Model (TOM), that service failure was widespread across the country and across multiple areas of the contract, again referred to in the SHiC report.

During this extended period, SPS, on behalf of the Scottish Minister and Justice partners were in negotiations with GEOAmeY to recalibrate the contract to provide them with options to improve service across all elements of the contract.

The failure of Court Services and the accused attendance at court had taken priority due to the significant risk to Justice. This resulted in GEOAmeY staff being moved from other elements of the contract to maintain a functioning court service. Especially in key areas such as Edinburgh and Glasgow.

As you can see from the staffing graph below, staffing levels reached a position of circa 515 staff during September 2023. Approximately 150 under their TOM, and a vacancy rate of 25%. This position was unsustainable and was putting the SCCPES contract at severe risk of failure. Contingency planning had taken place throughout 2023 with all Justice partners; Police Scotland, COPFS and SCTS in the event of partial or full contract failure, beyond the ongoing support provided by SPS and Police Scotland.

Due to the increased levels of failures, SPS asked for and reached agreement with GEOAmeY to provide a daily list of unfulfilled appointments up to 24 hours in advance to allow establishments and Justice partners to try to fulfil those bookings, that they are not able to carry out.

This includes: -

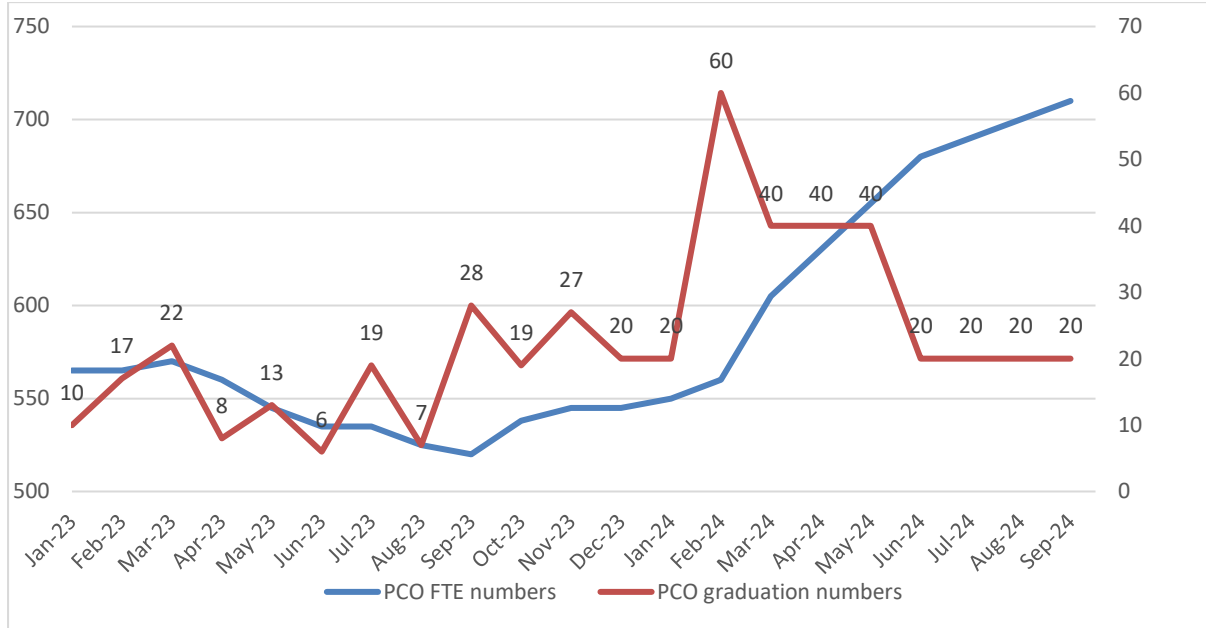
- SPS Staffing hospital detains (Bedwatches) for those held in custody (above the threshold agreed with GEOAmeY)
- SPS escorting of those in our care to critical hospital appointments that have been identified that are critical, where GEOAmeY are unable to fulfil, such as MRI's, cancer treatments etc. This also includes the hiring of private ambulances if nonstandard vehicles in required.
- Police Scotland escorting of custodies to ViPERS
- Escorting, by SPS staff, to other non-court appointments, such as funerals, Childrens Hearings etc.

In addition to this contractual planning and attempting to mitigate the risk of service failure, establishments have been given authority to use Ex-Gratia to facilitate additional staff above the normal staffing levels. This resource is be utilised to carry out prison escorts and complete appointments that are deemed crucial and critical to health, wellbeing and care for those individuals affected, or to support Progression matters for those in Top End accommodation.

As you stated in your letter, the data provided in the report is up to the period of end of September

23, when contractual performance was at its lowest, this is in line with the lowest PCO staffing levels shown in the staffing graph provided.

Staffing Graph Jan 23 to Sept 24



Since this low point, the following changes have occurred: -

- Re-calibrated SCCPES contract agreed, signed and implemented from 1 October 23
- Increase in funding of SCCPES contract in excess of £2m per year until expiry in Jan 27,
- Implementation of 17% increase in hourly rate of PCO rate to £12.50 per hour.
- Contractual Improvement Plan agreed to evidence increase in staffing levels, linked to improved service and performance, which is contractual and subject to Financial Service Credits if targets not met,
- Temporary change in payment mechanism from volume-based payments to Passthrough costs to stabilise income and expenditure levels for SPS and GEOAmeY.
- Increase in recruitment and reduction in attrition, supporting increase in staffing levels to a level not reached in 12 months (circa 560 FTE in Feb 24) **(staffing graph above)**

Analysis of the table above, shows a positive recruitment trend, with expectation that staffing levels will reach the required TOM of 670 during the summer period of 2024. There are initial green shoots of improvement since December 2023, with improved service delivery across many of the contractual metrics, but significant progress is still required.

There are currently some 50 PCO’s in ITC training. Following their graduation, they will be operationally deployed at the end of Feb 24/beginning of Mar 24. This will provide a welcome increase to the GeoAmeY staffing levels. We are hopeful that this will lead to significant improvements in service delivery and meet the increased demands from Justice Partners. This in turn will support SPS population priorities, as well as supporting those with health care needs within Scottish Prisons.

Following this package of support from the SPS, we would expect to see a sustained improvement in service and performance over the coming months. Once GeoAmeY have evidenced continual successful delivery in the key areas such as Escorting for Hospital Appointments, VIPERS and

achieving contractual performance with Court Delivery, we will then carry out a review of performance and agree any removal of Improvement Notices (IN's) in due course.

In relation to the further recommendations raised, I can confirm contingencies are in place for establishments to facilitate urgent and critical health appointments, in discussion with local NHS colleagues, once the information from GEOAmev is received the day prior to the appointment taking place (establishments have approval for authorising over-time, if required to support further escorts from SPS staff).

Due to health appointments failures significantly reducing since the start of February 24, with limited/no planned failures because of the increase in staffing from GEOAmev significantly improving the service across most contractual areas, SPS and NHS have not fully explored the reasoning at this stage, however, will continue to monitor the current position.

Director General for Health and Social Care has written to the NHS board of Directors in relation to measures to mitigate impacts of transport cancellations on healthcare appointments for individuals in custody. This includes a request that NHS Boards do not remove or reprioritise patients on waiting lists. SPS will continue to work in partnership with Scottish Health in Custody Oversight Board (SHIC) and NHS to ensure the changes implemented are monitored.

I can assure you that the SPS will robustly manage and review the performance of GEOAmev within the SCCPES contract in the coming months. We will be seeking a significant improvement across all areas of the Contract to support our Justice Partners and to reduce the impact for those in our care.

Yours sincerely

TERESA MEDHURST
Chief Executive