

Chief Constable

Richard Leonard MSP
Convener
Public Audit Committee
By email: publicaudit.committee@parliament.scot

13 March 2024

Dear Convener

The 2022/23 Audit of the Scottish Prison Service (SPS)

I write in regards to your correspondence received on 9 February 2024 on the Section 22 report for the above.

Q1. The Committee understands that the Scottish Court Custody & Prisoner Escorting Service (SCCPES) contract is managed by the Scottish Prison Service (SPS) on behalf of the Multi-Agency Liaison Group (MALG). The Committee is keen to understand:

- **The level of input Police Scotland had to the terms of the SCCPES contract prior to it being awarded to GeoAmey by Scottish Ministers in March 2018.**

Police Scotland were fully consulted on the terms of the SCCPES contract and on 24 January 2018, confirmed approval of the recommendation to award the contract to GeoAmey. Police Scotland remain fully engaged with SPS and wider MALG, and during the renegotiation of the contract in 2023, Police Scotland were consulted on pertinent matters prior to the changes being ratified.

- **The extent to which any concerns Police Scotland may have about the contract are addressed at quarterly MALG meetings and whether meeting quarterly is sufficient.**

At MALG meetings, Police Scotland raise ongoing trends and concerns directly with GeoAmey directors, who provide additional information as required. SPS have also looked to introduce a monthly Contract Improvement Plan meeting, providing a space to resolve issues at MALG level.

The quarterly MALG meetings are supported by monthly Police Scotland and GeoAmey liaison meetings and, more recently, the addition of a Monday and Friday Joint Assessment meeting.

This is attended by GeoAmey and MALG partners to discuss emerging court issues. In addition to scheduled meetings, ongoing concerns are addressed on a case-by-case basis between Police Scotland and GeoAmey, either directly or through Police Scotland's Prison Escort Monitor.

Police Scotland is satisfied that there are sufficient measures in place to enable discussion of emerging issues in support of the MALG, and that the quarterly MALG meeting is sufficient.

- **The role Police Scotland will have in the retendering process for the contract, which is expected to begin in 2024.**

Police Scotland is aware that the retendering process for the contract, led by SPS, will begin in 2024, and expect to be fully consulted on proposed changes prior to the contract being finalised.

Q2. One of the key messages in the Section 22 report is that-

“The ongoing poor performance of the contract is resulting in delays and inefficiencies across the justice sector, impacting on policing, prison services and the courts”

- **The Committee wishes to understand the extent to which Policing in Scotland is impacted by the poor performance of the contract. In particular, we would welcome specific examples of the impact on Police Scotland, including the associated costs to your organisation.**

When GeoAmey fail to meet a contract obligation, MALG partners submit a Service Review Form to GeoAmey, detailing the issue and impact.

All Service Review Forms submitted by Police Scotland are routed through Criminal Justice Services Division, who record the number received and identify trends. It is against this data that GeoAmey service delivery performance is measured.

The main impact of poor contract performance on policing is felt in the cancellation of planned Police Identification Parades (VIPERs), late uplifts of persons in police custody to court, late uplift of vulnerable custodies, and late uplift of cross border arrests. I will explore each of these areas individually, and provide Case Study information in respect of how this poor performance negatively impacts on policing.

During 2023, a total of 533 Service Review Forms were submitted to GeoAmey by Police Scotland in relation to contract failures. So far in 2024, 34 Service Review Forms have been submitted.

However, there is anecdotal evidence that Service Reviews are not always carried out, despite frequent reminders to do so, because of the apathy arising from GeoAmey's standardised responses.

POLICE VIDEO IDENTIFICATION PARADES (VIPER)

During 2023, 349 Service Review Forms were submitted regarding VIPER contract failures. VIPER performance was poor at the start of 2023, where in January, 58 Service Review Forms were submitted. After SPS served GeoAmey with a Performance Improvement Notice in March 2023, performance improved to September, where 60 cancellations were reported. These stabilised towards the end of the 2023. So far in 2024, 19 cancellations have been reported, 12 because of GeoAmey's failure to provide an escort.

In some cases, where an appointment was cancelled due to GeoAmey's inability to provide staff to escort the prisoner to and from the appointment, legislative deadlines meant the appointment could not be missed. Local Policing Officers were therefore abstracted from patrol duties to provide the required escort.

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In other cases, cancellations were caused by the prisoner arriving late. Where the appointment was completed, GeoAmey were unable to uplift the prisoner back to their establishment within the contracted 1 hour of receiving a call to confirm the appointment was concluded, resulting in the prisoner being lodged at a Police Custody Unit for a longer than expected time, resulting in resourcing issues for the Police Scotland as well as increased levels of anxiety for the prisoner.

Significant work is undertaken by VIPER units to arrange the attendance of witnesses and defence solicitors at parades. Repeated cancellations create additional work and increase the possibility of the prisoner being liberated from remand prior to the parade being completed.

Between 10 July and 24 August 2023, Police provided "step-in" support for cancelled appointments, utilising 75 Police Officers and staff to facilitate 148 hours of escort at an estimated cost of £5,000. This cost includes officer time and associated overheads.

Police Scotland worked with GeoAmey and other MALG partners to implement risk mitigation measures. These included rescheduling appointments out with core court escort times and busy court days, wherever possible. Improved communications and intrusive overview ensured early sight of cancelled appointments and helped to plan contingencies.

CASE STUDY 1

In February 2023, a VIPER appointment was arranged having been cancelled 8 times previously. GeoAmey advised in advance that they could not facilitate the 9th appointment attempt, requiring contingencies to be implemented.

CASE STUDY 2

In May 2023, an HMP prisoner was delivered on time for a VIPER appointment which concluded at 1650 hours. GeoAmey were advised to uplift the prisoner. GeoAmey did not arrive until 1944 hours, during which the prisoner had become increasingly agitated due to remaining in Police Custody for an extended period.

POLICE CUSTODIES

In 2023, 143 Service Review Forms were submitted in relation to contractual failures where persons in Police Custody were either uplifted late or did not arrive at court in time. These issues were mainly due to reduced GeoAmey staffing numbers, impacting on available resource to crew vans, staff courts, or to look after vulnerable custodies.

Court performance became sub-optimal in May 2023. In June 2023, Custody Courts began to run for a longer than expected time due to an increase in court loading, negatively impacting on MALG partners, in particular, SCTS and COPFS. Edinburgh, Glasgow and Hamilton Sheriff Court were the main courts affected, the latter drawing widespread social media and public attention when the court ran past 2200 hours.

For Police Scotland, late uplifts impacted on provision of care and welfare, reduced capacity for new arrests/progression of investigations, provision of constant observation duties for a longer than expected period, and provision of escorts to court. They also affected the NHS in terms of the sourcing and provision of additional medications, which would not have been required if the person had been uplifted to court on time.

In June 2023, SPS issued GeoAmey with a Performance Improvement Notice. The ongoing late operation of courts due to GeoAmey issues ultimately resulted in enactment of the Sheriff Principal's Orders in September 2023.

Between 10 July and 24 August 2023, the late uplift of custodies required the abstraction of 58 Police Officers or staff to provide 260.25 hours of escort, with an estimated cost of £9,500. This cost includes officer time and associated overheads.

Towards the end of 2023, performance had started to improve, and continues into 2024, where 14 Service Review Forms have now been submitted to date for Police Custody issues.

CASE STUDY 3

In June 2023, a number of persons in Police custody required to be uplifted to appear at Hamilton Sheriff Court. Police Scotland were advised that morning that uplift would not be completed until 1750 hours. Later in the afternoon, GeoAmey advised they could not accept Police Custodies due to staffing and capacity issues. 6 person were uplifted at 1900 hours. 4 remained, 3 of which were vulnerable. GeoAmey were not in a position to accept those persons, who were eventually transported by Police to court at 2100 hours.

CROSS BORDER ARRESTS

Cross Border arrests relate to those persons arrested in England, Wales or Northern Ireland on a Scottish Warrant. In 2023, 41 Service Review Forms were submitted for contractual failures. These were mainly the result of late uplifts of persons in custody, or late arrival to court after closure, which led to their being held in custody for court the next lawful day.

In 2024, only 1 Cross Border Service Review Forms has been submitted.

CASE STUDY 4

In August 2023, a person was arrested in England on a Scottish warrant, the day of arrest was Thursday. Repeated phone calls were made to GeoAmey to ensure uplift of the person to attend court the next lawful day, namely the Friday. The person arrived to Scotland on Friday evening after courts had closed and remained in Police custody over the weekend to appear at court on Monday.

In comparison with 2023, it is clear that GeoAmey's performance has stabilised. Improvement corresponds with the Contract Improvement Plan and increased recruitment activity to achieve the proposed Target Operating Model. It should be noted, however, that issues still occur and Police Scotland will continue to engage and work collaboratively with GeoAmey, and MALG partners, to support stabilisation and a return to business as usual.

Q3: The Section 22 report concludes that:

"It will be important for SPS and their partners, Scottish Courts and Tribunals Service (SCTS), Crown Office and Procurator Fiscal Service (COPFS) and Police Scotland to work together with support from the Scottish Government, to consider all options available to ensure the safe and effective delivery of prisoner escorting services both now and in the future"

Police Scotland continues to work collaboratively with all MALG partners. Opportunities have already been taken to enhance our own process efficiencies, which will be of benefit whilst GeoAmey eventually to return to a business as usual status.

In addition to this, contingency plans have been drafted and transformation work is presently ongoing with our Criminal Justice partners to explore innovative solutions, including Virtual Custody (VC) Courts. Efforts are also being made to make best use of 'alternative disposals to custody', including greater use by operational officers of Direct Measures, Investigative Liberation, and Liberation on Undertaking, ultimately reducing the number of people attending at court and thereby alleviating significant demand on the court system.

Yours sincerely

Jo Farrell
Chief Constable