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Margaret Mitchell MSP
Convener
Justice Committee

Our ref:
26 November 2019

Dear Convener,

TAYSIDE MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS SIGNIFICANT CASE REVIEW

Following the recent publication of the Significant Case Review (SCR) by Tayside Multi-Agency Public Protection Arrangements (MAPPA) Strategic Oversight Group (SOG), I wanted to update you on how the Scottish Government and Scottish Prison Service (SPS) are responding to the issues raised in the report.

Firstly, I would like acknowledge the bravery of the victim in this case and the important contribution she has made to this report. The attack on her has had a devastating impact on her and her family and I am very sorry for the pain she has experienced. It is important to me that I hear from her directly and will be meeting with her this week to hear her concerns and where she thinks improvements can be made.

Public protection is at the heart of our approach to the management and necessary testing of individuals with offending backgrounds in the community. Under the national MAPPA guidance, when an individual managed under MAPPA is charged with an offence that resulted in death or serious harm, an SCR must be instigated. These Reviews are essential in order that lessons can be learned and improvements put in place.

The SCR in this case makes 10 recommendations: 5 for SPS, 1 for Scottish Government, 1 for joint action by SG and SPS, 1 for Police Scotland, 1 for the National MAPPA Strategic Group and 1 for the Tayside MAPPA Strategic Oversight Group. The recommendations for Scottish Government and SPS cover:

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- First Grant of Temporary Release processes.
- SPS risk management and progression considerations.
- Use of electronic monitoring for individuals on home leave.
- Review of national MAPPA guidance to provide greater clarity on roles and responsibilities.
- Improved communication between justice social work, Police Scotland and SPS in relation to individuals receiving community access who are deemed to be high risk.

The Scottish Government and SPS fully accept all the recommendations which are for our organisations. I have set out some detail on the actions Scottish Government and SPS are taking to respond to these recommendations below.

In relation to **First Grant of Temporary Release (FGTR)**, as the Committee will be aware this statutory process for Life Sentence Prisoners requires Scottish Ministers to sign off on SPS' recommendation to grant FGTR. It should be noted that Ministerial approval of FGTR enables unescorted community access to commence, Ministers do not approve individual instances of community access or home leave.

SPS have already implemented additional FGTR assurance mechanisms and processes. This is overseen by SPS Headquarters and aims to ensure the decision-making rationale underpinning the FGTR application is consistently reviewed.

Consideration is also being given to whether an expert third party could review the recommendations for FGTR submitted by SPS and provide a view on whether all appropriate steps to assess and mitigate risk have been taken.

SPS have already put improvements in place to support their **risk management and progression processes**. This includes implementing revised Risk Management Team (RMT) guidance and processes which have a stronger emphasis on risk and mitigation and ensure that risk assessment is subject to regular review by prison and community partners. The guidance is explicit on the need to ensure that all risk assessments are current and updated prior to progression being agreed.

The RMT guidance has been underpinned by applied risk training which is currently being delivered to all Psychology Managers and Heads of Psychology and risk awareness sessions for RMT chairs (Deputy Governor grade) on the LS/CMI risk assessment system and case and risk management plans. In addition, SPS intend to appoint an external, experienced prison operator to review implementation of the revised policy and guidance for RMTs in order to identify improvements and ensure consistency in application.

SPS have also introduced a Progression Pathway for people in custody. This defines the criteria and minimum period of sentence that a person in custody is expected to serve in a secure establishment before being eligible for consideration by the RMT for progression to less secure conditions.

SPS is leading a working group with Social Work Scotland, Risk Management Authority and Community Justice Scotland focused on risk and needs assessment to ensure that best practice is shared and implemented.

On the recommendation relating to the use of **electronic monitoring of individuals on home leave**, as Committee members will be aware, the Management of Offenders (Scotland) Act

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2019 introduced an ability to electronically monitor those on a home leave licence. Those sections of the legislation will be commenced in due course. My officials are taking forward the development of the electronic monitoring service using GPS and they will look at how the use of GPS enabled technology might support integrated case management and progression, specifically examining the use of this with those on home leave. Technology would be used in addition to other methods for the appropriate supervision of individuals in the community.

The Scottish Government is already reviewing the **national MAPPA guidance** and this is being taken forward in discussion with national and local MAPPA partners. This review includes a specific focus on promoting clarity of roles and responsibilities and on ensuring that these are clear in relation to progression and community access for prisoners managed under MAPPA processes.

Finally, with regards to the recommendation to improve **communication between SPS, Police Scotland and Justice Social Work in relation to community access**, SPS have already developed clearer communication processes with partners in relation to prisoners accessing the community. This is supported by an Memorandum of Understanding (MOU) with Social Work Scotland which supports clearer exchange of information between SPS and Justice Social Work in relation to individuals who are likely to receive unsupervised access to the community as part of their progression and who may pose a risk. The SPS intends to review and quality assure compliance with the MOU between the agencies which sets out the details of how and when this information should be shared.

I hope this provides the Committee with assurances that both Scottish Government and SPS are determined to learn from the findings of this report and that we are already putting improvements in place. This ambition is shared by our national and local MAPPA partners and this report will be discussed by the MAPPA National Strategic Group which includes representation from all responsible authorities to ensure improvements are embedded across all MAPPA regions. I will ask the MAPPA National Strategic Group, Police Scotland and SPS to further update me on the progress made in implementing the recommendations from the SCR into this serious and distressing incident by Spring 2020.

Yours Sincerely,
H. Yousaf
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