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Convener, Justice Committee
Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

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FATAL ACCIDENT INQUIRIES (FAIs)

Thank you for your letter of 30 October in which you ask a number of questions relating to the FAI concerning Allan Marshall. I think it would be helpful to deal with each separately.

Timescales for Responding to the FAI Recommendations

The FAI made 13 recommendations: a number of those recommendations require substantial input and engagement with many SPS staff groups, with external experts and with Her Majesty's Chief Inspector of Prisons, who is providing external assurance and oversight of the actions being taken by SPS to take forward the recommendations. SPS has established a Short-Life Working Group to take forward these recommendations, which has meant diverting key operational resources to take forward the work. SPS is doing this at a time when we are also having to manage the well documented issues we are currently experiencing in terms of overcrowding and population management.

I want to assure you that I am focused on driving improvements that will address, where appropriate, the recommendations from this FAI, but I have to do so in a measured way that ensures we properly address the issues utilising available resources. I consider that a circa 9 month period to deliver and implement the improvements required to comply with the recommendations is not unreasonable and is perhaps an ambitious target for SPS, but one that we are very much focused on meeting.

Operational Debrief

You have asked why it will take to the end of the calendar year to cease the use of the Operational Debrief. As we detailed in our response to the recommendation, the purpose of the Operational Debrief is twofold: (1) to ensure the welfare of all staff involved in the incident; and (2) to identify if there were any 'immediate' actions that SPS is required to take as a result of the incident. The Operational Debrief is therefore an important internal process for SPS in terms of ensuring the immediate health and safety of our staff and those in our care. SPS has identified

some potentially suitable alternatives and we are considering how they can be utilised to design a Post-Incident Support process for SPS. We need time, however, to complete the design and to implement the new process. A 5 month period to complete this work would not seem unreasonable.

Organisational Review of Control and Restraint Techniques

You have asked why it will take until April 2020 to make changes to the organisational review of control and restraint techniques. The review of control and restraint techniques is a substantial piece of work that requires input and engagement with many SPS staff groups, and with external experts. The Short-Life Working Group taking this recommendation forward has been established; they have completed a literature review that will inform the review and have procured the services of Eric Baskind, an external independent professional in the prevention and management of violence and aggression, and in the use of physical interventions, who will provide input into the review. They have also engaged the services of Dr Stevenson, a Consultant in Emergency Medicine at Glasgow Royal Infirmary, who has agreed to provide input into the review. A circa 9 month period to review, identify and implement changes to SPS' control and restraint policy and training is not unreasonable.

Information Sharing/ Co-Operation

In terms of the information SPS redacted, SPS did provide a redacted copy of some materials relating to its control and restraint techniques, as it was considered that an unredacted copy could pose a potential risk to the security and good order in prisons across Scotland, and to the safety of prison staff, should some of the information contained in Volume 2 become known to the general public and those in our care alike. When SPS first provided this information to COPFS in August 2015, SPS did advise COPFS that some of the materials had been redacted and no parties to the FAI raised this an issue. SPS' normal position in regards to providing information linked to judicial proceedings is to provide such information unredacted where possible. SPS was not aware of this being an issue until the FAI proceedings began. During the FAI process, Sheriff Liddle did allow SPS to put in place measures to protect the information.

We were not asked for the other materials by any parties to the FAI and SPS had not appreciated that there was an expectation that we should also provide materials not requested. This was one of the first FAIs that SPS dealt with under the new FAI legislation and following the issues experienced in this FAI, we have agreed with COPFS that we will provide all materials unredacted and advise of them of any materials we think may be sensitive. We will provide them with any materials or policies that we consider may be helpful to the inquiry in addition to those requested. I can assure you that SPS has and will continue to fully co-operate with FAIs and any requests made for information.

I trust this response is helpful.



COLIN McCONNELL
Chief Executive