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By email justicecommittee@parliament.scot

17 April 2020

Dear Ms Mitchell

COVID-19 AND PRISONS

Thank you for your correspondence of 26 March 2020. Covid-19 continues to present the Scottish Prison Service (SPS) with a number of challenges on a daily basis. I remain consistently impressed with the efforts and dedication demonstrated by staff at all levels across the organisation.

I will be sure to reiterate the Committee's appreciation expressed towards my predecessor and his tenure as Chief Executive. I also thank you for your congratulations on my appointment as interim Chief Executive.

I very much appreciate the need for ongoing parliamentary scrutiny, particularly given the unprecedented circumstances we find ourselves in. I fully support and understand the importance of providing assurance that SPS is meeting the standards expected during this time of crisis.

I have provided answers to the specific questions raised in your letter in the attached Annex. I trust this information is helpful. On behalf of SPS I would like to thank the Committee for its continuous support and understanding during these unprecedented times.

Yours sincerely

A handwritten signature in black ink that reads 'Teresa Medhurst'. The signature is written in a cursive style with a long horizontal stroke at the beginning.

TERESA MEDHURST
Interim Chief Executive, SPS

ANNEX COVID-19 AND PRISONS

1. What steps are being taken to ensure the safety of prison officers, staff and prisoners during the outbreak of the COVID-19 virus?

The health and wellbeing of those who work and live in Scotland's prisons remains SPS' utmost priority. SPS has been, and will continue to, follow the latest Public Health and Government advice in response to the COVID-19 outbreak. SPS has taken a number of steps in order to protect the health and safety of all staff and individuals in our care.

A National Coronavirus Response Group (NCRG) has been established to support staff and prisons. The NCRG is working collaboratively with, Scottish Government, Health Protection Scotland and a range of other partners, on a daily basis, to ensure that our response and contingency plans are informed by the most up-to-date information available. Each prison has a Local Coronavirus Response Group (LCRG) in place to work alongside the NCRG.

SPS has developed a robust Pandemic Plan which is continually updated to reflect the latest Public Health advice. This document provides clear guidance to underpin all operational decision making and practice. SPS' response to the COVID-19 outbreak is being informed by 3 key considerations: public health, operational stability and staffing capacity. Prisons are potentially volatile environments and it is a testament to the positive relations our staff have skilfully developed with the people in our care that operational stability is being sustained throughout this period.

SPS had sought to continue, for as long as possible, with normal service provision. However, in light of the dynamic and evolving challenges arising a number of significant measures have had to be taken in order to facilitate effective social distancing as detailed below.

Prison Regimes

All prison activity is now being delivered with enhanced controls and additional hygiene measures are in place. This allows staff to more fully regulate interactions and contact between people in our care, in line with social distancing guidelines.

In light of Public Health advice SPS has suspended all prison visits. SPS is critically aware of the impact that may be felt as a result of this suspension. However, SPS is working continuously to introduce innovative ways to support the maintenance of family contact at this critical time. SPS has introduced a Family Support Line to provide the family and friends of people in our care with up to date service information.

In addition, all internal work opportunities, other than those delivering essential services such as laundry, catering and cleaning, have been suspended, as has SPS' educational provision. However, SPS is ensuring that nobody is financially disadvantaged as a result of being unable to undertake employment opportunities through no fault of their own.

People in our care continue to be offered outside exercise (in smaller groups) however communal prison gyms have been closed. Similarly, the opportunity to partake in communal dining has been suspended. People in our care do continue to be offered periods of recreation although this is now delivered in smaller groups. Each of these measures have been taken in order to ensure social distancing can be facilitated.

People Displaying Symptoms

SPS has well-developed practices and procedures in place to manage COVID-19 outbreaks within prisons. In the event of an outbreak being declared, an Incident Management Team (IMT) meeting will be chaired by local NHS Public Health. As part of the outbreak management there will be greater access for testing of staff or prisoners who were in close contact with confirmed cases. Any communications will be agreed jointly between the local NHS Health Board and SPS communications. Where any person in our care displays symptoms of COVID-19, then Rule 41 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 permits SPS to apply self-isolation measures and confine the person to his or her own cell.

Shielding

NHS partners have identified those in our care who have underlying health conditions which would place them at greater risk if they were to contract COVID-19. This group have been issued with letters from NHS Health Boards advising them that they should self-isolate for up to 12 weeks. A small number of individuals who have received such advice have refused to adhere to the guidance provided on shielding. NHS will continue to engage with these individuals, highlighting the risks and encouraging them to comply with medical advice, however, where an individual demonstrates and unwillingness to comply, then they will be asked to sign an NHS disclaimer. This records their refusal to follow the medical advice provided and will ensure clear and concise records are maintained of any advice provided and decisions taken. Where any person in the care of SPS is deemed to have diminished capacity then appropriate Rule 41 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 can be utilised.

Progression

In normal circumstances SPS would offer people in our care the opportunity to progress to less secure conditions. However, in order to adhere to Public Health advice and reduce the spread of COVID-19, SPS has taken the decision to suspend all progression to less secure conditions. All temporary absence, including Home Leave, Work Placements and Escorted Leave, has also been suspended.

SPS realises that individuals who are seeking to progress to less secure conditions may be disappointed that they will not be permitted to do so at this time. However, this suspension of movement will limit the risk of COVID-19 spreading across communities or between prisons. The rational underpinning progression to less secure conditions is that it provides people in our care with an opportunity to be tested in the community. However, there are now no community opportunities available and therefore no opportunity to demonstrate any reduction in the level of risk presented.

HMP Castle Huntly is an open prison where it is more challenging to ensure that an appropriate level of social distancing is maintained. It is therefore considered essential to the health and wellbeing of the individuals currently held there and working within this environment, not to introduce any further admissions into this prison at this time.

SPS has a single national waiting list which determines progression to less secure conditions at our National Top End facilities and HMP Castle Huntly. This waiting list will ensure a streamlined, transparent and legitimate decision making process is followed to inform all progression decisions upon resumption. Those who are approaching critical dates will be prioritised for consideration. All pre-release case conferences will continue to take place.

Staffing Levels

Almost all Scottish prisons have transitioned to a single shift core day. Introduction of a core day permits more flexible deployment of diminishing staff resources. SPS has also introduced an additional payment scheme to incentivise those who remain able to work to commit to undertake additional hours and cover the time lost by colleagues who are unable to. This scheme will operate over a 12-week period.

Flexible Working

SPS has, over the past year, been piloting a Work Smart Project which facilitates flexible home working through laptops and associated equipment. SPS has undertaken an assessment of what operational business is considered essential and should therefore progress and which projects and tasks can be temporarily suspended. As you appreciate SPS has a number of posts where remote working is simply not possible. However, measures have been taken to ensure only those staff performing critical roles are on site.

Those undertaking roles which are not critical to reducing the spread of COVID-19 or to ensure operational stability have either been redeployed into critical roles, or been advised to stay at home in line with Public Health advice. SPS laptop allocation is subject to ongoing review in order to ensure that those who have this limited resource have a clear need to retain this.

As a criminal justice organisation, information security is a critical consideration for SPS and many of the organisations digital interfaces require additional controls and licences. However, SPS has secured an appropriate licence which allows our staff to utilise SPS' digital platforms and work from home using their own devices. SPS is also currently awaiting delivery of a larger number of laptops which will further support remote working.

The challenges presented by COVID-19 are ever changing. However, SPS is adapting to meet these in a flexible manner. Our approach will always be aligned with the latest Public Health advice and the safety of all those who live and work in our prisons and wider estate will always be our paramount priority.

2. Whether prison officers, staff, escort officers and G4S staff involved in electronic monitoring have sufficient stocks of person protective equipment during this period?

Throughout this pandemic SPS has been in full consultation with Health Protection Scotland and all PPE deployed is in line with their guidance. Initially, like many organisations, access to PPE was restricted, however, there was sufficient and appropriate PPE available before the organisation was required to deal with the first person in our care who reported symptoms.

SPS staff have been provided with the appropriate PPE, information on how and when to use the this, along with information on how to keep themselves and people in our care safe. SPS staff who are required to undertake escorting duties are provided with PPE and instruction for use.

Due to the unknown timescales of the COVID-19 pandemic SPS will continue to work with our suppliers to ensure that sufficient quantities of PPE are procured to meet the needs of all staff.

Hand sanitiser has been made available to all staff, initially like many organisations there were issues with supply but these have now been resolved. Staff and people in our care have been made aware that in order to limit the spread of this virus then regular handwashing is one of the most effective methods to employ.

Private sector prisons have their own procurement processes to ensure sufficient PPE is available to staff.

The Scottish Court Custody and Prisoner Escorting Service contractor, GEOAmeY, report that all members of staff have access to supplies of pandemic personal protective equipment in accordance with operating guidelines. GEOAmeY are similarly working to ensure an adequate level of stock is maintained. GEOAmeY is responsible for the risk assessment and provision of PPE for their staff. SPS has shared all guidance and information with them. Their staff are provided with PPE and instructions on how to use this.

The electronic monitoring service is provided by G4S. This service is not contracted by SPS but by Scottish Government.

3. What steps are being taken to diffuse tensions in prisons after reports of disturbances at HMP Addiewell?

With regards to the reported disturbances at HMP Addiewell, SPS has supported HMP Addiewell in a full operational debrief to establish if anything could have been done differently. The incident has been referred to Police Scotland who are now investigating to ascertain whether charges can be brought against the individuals involved as a result of the assaults on staff and criminal damage perpetrated.

SPS recognises that as a result of the COVID-19 pandemic the parameters within which it is operating are unprecedented. SPS understand that individuals are concerned about their families, the developing situation in relation to COVID-19 in the community and the changing prison regimes. In order to ensure that any tensions which may arise as a result of these concerns are minimised as far as possible, regular communication is being made to explain changes and providing context to the pandemic both in a prison and in a community context.

In addition, SPS develops a weekly National Intelligence Assessment which provides an overview for senior operational staff of any risks identified that may impact on operational stability.

In order to ensure that SPS have enough staff available to respond to any concerted indiscipline a review of our national incident command call out structure has been undertaken. As a result of this review, over a 12-week period, commencing Monday 13 April 2020, National Incident Command Teams will be on call to respond to any significant incident that occurs.

Additional Support

More generally SPS will implement a number of innovative policy changes to mitigate against the negative mental health effects of isolation. SPS has committed to providing everyone in our care with a free allowance of £2.50 per week on their PIN phone balance. The weekly £1 TV rental fee has also been suspended and will no longer be taken from people in our care.

Those individuals who are employed in what is considered an essential service, for example, laundry, catering and cleaning will receive an additional £10 on top of their current wage.

Whilst all other employment opportunities have been suspended; people in our care will not lose money as a result of being unable to attend work. Those who are unable to work will continue to be paid their full wage. Those who were not working as a result of limited employment opportunities within the prison will continue to receive a 'cell wage' in line with the Prisoner Earnings and Wages Policy, in addition to an extra £2 per week.

This is an evolving situation and service provision is subject to change on an ongoing basis. However, all SPS decisions are being taken in line with the latest Public Health advice in order to best protect the wellbeing of all those who work and live in our prisons.

- 4. What steps can be taken to ensure alternative forms of contact are possible (e.g. video links) between prisoners and families as a means of reducing tension during the outbreak of COVID 19? Will any video links be set up from a prisoner's family home to avoid them having to go enter the HMP estate to use these? For example, the current video links still require families to travel to a location such as the Prison Visitor Centre at HMP Inverness or the Apex Office in Aberdeen.**

SPS is exploring how family contact can be best maintained and has now launched a dedicated family support helpline managed from SPS HQ. SPS is also innovatively exploring ways in which we can facilitate greater phone call access in line with Public Health advice.

Unfortunately, the current video link services provided at HMP Inverness' Visitors Centre and APEX, Aberdeen have been temporarily suspended as it is not possible to deliver these in line with Public Health advice.

- 5. Will SPS and the Scottish Government explore ways to remove the costs from families for the Email-A-Prisoner scheme which operate a present? By removing these costs, families and people in prison can retain contact.**

SPS recognises that whilst visits cannot take place, other means of communication will be increasingly important to those in our care and their families. Alongside a range of other actions, SPS has expanded and encouraged access to the Email a Prisoner scheme across all sites.

The Email a Prisoner service is operated by Unilink Technology and in order to utilise this, families must sign up and create an account. Families are then able to email at a cost of 40p per message or 65p if they would like a reply. There is no cost to the people within our care. SPS has no existing contract or funding arrangement with Unilink Technology and makes no profits from facilitating this service.

SPS, continues to explore and review all available avenues to support families to remain in contact throughout the COVID-19 pandemic. In doing so any potential increased costs and their impact are fully considered.

6. Will SPS take steps to seek consent from those in prison so that families can be informed over a person's health care in prison during this pandemic?

When any person is to be self-isolated under Rule 41 then they are asked if they would like a nominated individual to be informed of their situation. The Data Protection Act 2020 does not permit SPS to share any personal information on those in our care to others, without their expressed consent. SPS' Information Security Policy details that it is not viable for SPS to obtain prior expressed consent for others to act on a person's behalf, since there could be scope for accusations that this had been obtained under duress or that the person did not fully understand what was being asked of them.

7. What estimates have been made for a possible increase in the numbers of prisoners being held on remand awaiting their case being heard in court given the announcement that no new juries are being empanelled in criminal cases? What steps will be taken to manage any increase?

The decision to close courts and to instead operate a smaller number of courts as hubs has meant that the number of people received into SPS care is at an unprecedentedly low level.

A number of operational changes to court business have had a substantial impact on the numbers of people in custody: On Thursday 16 April 2020 there were 7359 people in SPS care, 818 less than at the same point in 2019. On Thursday 16 April 2020 there are 1033 people held on remand in SPS care, this is 282 people fewer than on 16 March 2020.

Together with liberations through sentence expiry and release on Home Detention Curfew (HDC), this decrease in the numbers of people in prison has enabled capacity to rebalance our regimes and to accommodate any future fluctuations in the remand population. Work to further widen this gap has already been undertaken with new rules on HDC agreed with the Cabinet Secretary and Early Release in Emergency Circumstances planning with Scottish Government well advanced.