



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 10 November 2015

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JUSTICE COMMITTEE

31st Meeting 2015, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Elaine Murray (Dumfriesshire) (Lab)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Margaret McDougall (West Scotland) (Lab)

Alison McInnes (North East Scotland) (LD)

*Margaret Mitchell (Central Scotland) (Con)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

David Strang (HM Chief Inspector of Prisons for Scotland)

Sandra Wallace (Scottish Government)

Paul Wheelhouse (Minister for Community Safety and Legal Affairs)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Committee

Tuesday 10 November 2015

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Christine Grahame): I welcome everyone to the 31st meeting in 2015 of the Justice Committee. I ask everyone to switch off mobile phones and other electronic devices, as they interfere with broadcasting even when they are switched to silent. Apologies have been received from Alison McInnes.

Agenda item 1 is a decision on whether to take items 10, 11 and 12 in private. Item 10 is consideration of a revised draft stage 1 report on the Community Justice (Scotland) Bill; item 11 is consideration of our approach to budget scrutiny; and item 12 relates to our proposed scrutiny of the draft Victims' Rights (Scotland) Regulations 2015. Does the committee agree to take those items in private?

Members indicated agreement.

Abusive Behaviour and Sexual Harm (Scotland) Bill

10:00

The Convener: Agenda item 2 is consideration of witness expenses for those giving evidence on the Abusive Behaviour and Sexual Harm (Scotland) Bill. Members will recall that, at last week's meeting, we agreed to invite a number of witnesses to give evidence on the bill. Rather than seeking group approval, I ask members whether they are happy to delegate to me as convener responsibility for arranging payment of witness expenses?

Members indicated agreement.

Subordinate Legislation

Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2015 [Draft]

10:01

The Convener: Agenda item 3 is consideration the draft Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2015, which is an affirmative instrument. I welcome to the meeting Paul Wheelhouse, the Minister for Community Safety and Legal Affairs—good morning, minister—Hazel Dalgard from the civil law and legal system division, and Greig Walker from the directorate for legal services.

I remind everyone present that officials can take part the discussion under this item, which is an evidence session, but not in the formal debate that follows. I invite the minister to make an opening statement.

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): Thank you, convener.

The order seeks to make consequential amendments to primary and secondary legislation in support of the commencement of the civil jurisdiction and competence of the Sheriff Appeal Court. I understand that the Delegated Powers and Law Reform Committee considered the order on 27 October and that no points were raised.

The commencement order that was laid on 6 November makes provision for civil appeals, which were formerly appealed from the sheriff to the sheriff principal, to be heard by the civil Sheriff Appeal Court instead. The court is due to be commenced on 1 January 2016.

The Convener: As members have no questions, we move straight on to item 4, which is the formal debate on the motion which asks the committee to recommend approval of the draft order. I invite the minister to move motion—

Paul Wheelhouse: Formally moved—I am sorry; I got ahead of you there.

The Convener: Just for the record, I point out that the motion in question is S4M-14683. I want to make sure that you move the correct motion.

Motion moved,

That the Justice Committee recommends that the Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2015 [draft] be approved.—[Paul Wheelhouse.]

Motion agreed to.

The Convener: As members are aware, we are required to report on all affirmative instruments. Are members content to delegate authority to me to sign off the report on the draft order?

Members *indicated agreement.*

Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015 [Draft]

Scottish Tribunals (Listed Tribunals) Regulations 2015 [Draft]

The Convener: Agenda item 5 is consideration of the draft Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015. The minister is still here, but his officials have changed. I welcome Sandra Wallace and Hannah Frodsham from the civil law and legal system division, and John St Clair from the legal services directorate.

I invite the minister to make an opening statement.

Paul Wheelhouse: I will speak to both the draft Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015 and the draft Scottish Tribunals (Listed Tribunals) Regulations 2015, and I ask the committee to recommend that Parliament approve them.

Both instruments are technical in nature and do not alter how either of the tribunals in question operates. By way of background, I have provided the committee with a paper—I did so at relatively short notice, for which I apologise—that gives a brief overview of the Tribunals (Scotland) Act 2014 and a note of the various instruments that will come before the committee in the near future, including the two instruments that it is considering today.

As the paper highlights, the 2014 act creates a simplified and coherent structure for tribunals in Scotland. It creates two tribunals: the first-tier tribunal for Scotland, which will make decisions at first instance, and the upper tribunal for Scotland, which primarily will decide appeals from the first-tier tribunal. The two tribunals are known collectively as the Scottish tribunals.

The functions of existing devolved tribunals will transfer into the Scottish tribunals in a phased process, starting with the Private Rented Housing Panel and the Homeowner Housing Panel and their respective committees in September next year. The full list of tribunals whose functions might transfer in are listed in schedule 1 to the 2014 act.

I will now outline why each of the instruments is necessary.

On the Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015, for

reasons that I will come to in a moment, it is necessary to add to the listed tribunals in schedule 1 to the 2014 act references to the Private Rented Housing Panel and the Homeowner Housing Panel. For ease, from now on I will refer to them as the PRHP and the HOHP.

The Convener: I do not know if that will make it any easier but go ahead.

Paul Wheelhouse: Me neither, convener.

Currently, schedule 1 to the 2014 act lists only the private rented housing committee and the homeowner housing committee, which I will call the PRHC and the HOHC—we can see how this is going to go.

The PRHP and PRHC were created by the Housing (Scotland) Act 2006. The PRHC, which is made up of members of the PRHP, deals with tenant complaints about repairing problems. The Property Factors (Scotland) Act 2011 renames the PRHP and the PRHC as the HOHP and the HOHC when they deal with complaints from homeowners about a property factor. Both the relevant acts confer the functions of the tribunals directly on the committees rather than the panels, which explains why the committees, rather than the panels, are listed in the acts.

However, section 35 of the Private Rented Housing (Scotland) Act 2011 amends the Housing (Scotland) Act 2006 to allow a private sector landlord to apply to the PRHP, as opposed to the PRHC, for help in exercising rights of entry into a property.

The Convener: I started the day without a headache, but I feel one coming on.

Paul Wheelhouse: I share your pain, convener.

Section 35 of the 2011 act is about to be commenced. The draft Private Rented Housing Panel (Landlord Applications) (Scotland) Regulations 2015 are being considered by the Infrastructure and Capital Investment Committee and, subject to parliamentary approval, will come into force on 1 December this year.

As a result of the commencement of section 35 of the 2011 act, functions will be conferred directly on the PRHP rather than the PRHC. It is therefore necessary to amend schedule 1 to the Tribunals (Scotland) Act 2014 to include the PRHP to enable the functions of the panel to transfer into the Scottish tribunals along with those of the PRHC, which, as I said, is already listed in that schedule.

As the HOHP is the PRHP, albeit in another guise, a similar amendment is also necessary to include the HOHP—the official reporters will be glad to know that I will pass my notes to them at the end of the meeting.

For the reasons that I have outlined, the second instrument before the committee—the draft Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015—requires us to amend the Courts Reform (Scotland) Act 2014, schedule 4 to which lists the tribunals to which the Scottish Courts and Tribunals Service may provide administrative support. By making the instrument, we will allow the SCTS to continue to provide administrative support for the two panels as well as for the two committees.

We undertook a 12-week consultation on the instruments, which was combined with a consultation on the proposed structure of the first-tier tribunal, on which, as members will see from the paper that I have provided, I plan to bring forward an instrument for consideration at a later date.

There were nine responses from individuals and organisations, including the Law Society of Scotland and the Scottish tribunals and administrative justice advisory committee. All responses focused only on the structure of the first-tier tribunal. There were no responses on the policy or the drafting of the instruments.

In conclusion, these technical instruments are required to allow the SCTS to continue to provide administration for the PRHP and the HOHP when section 35 of the Private Rented Housing (Scotland) Act 2011 is commenced on 1 December this year. They will also ensure that the functions of the panels can transfer into the Scottish tribunals as planned in September 2016.

I thank you for your patience, convener, and I hope that your headache is relieved.

The Convener: Thank you very much. I note that you spoke to both instruments.

Paul Wheelhouse: I did, convener. I was trying to portray—

The Convener: No, it is fine. We will let you get away with it today because you were wrapped up in it.

I do hope that somebody has a question.

Margaret McDougall (West Scotland) (Lab): Good morning, minister. What financial considerations have been given to the creation of the new private rented sector jurisdiction?

Paul Wheelhouse: We do not anticipate huge financial implications. I will confirm this with my colleagues but I believe that only four cases have come before the PRHC in the past year. A very low volume of appeals has been taken through the tribunals in this way.

Sandra Wallace (Scottish Government): It is not actually a new panel—it is an existing

jurisdiction. The same finance is in place—the finance is already there.

Paul Wheelhouse: We are not anticipating any significant change—it is just a rebadging. The level of activity is fairly low at present.

The Convener: Margaret McDougall will get an award for asking a question after all those PRPs, PRCOPs or whatever else was happening there.

Margaret McDougall: I look forward to receiving it.

The Convener: It will be an extra delight for you.

Elaine Murray (Dumfriesshire) (Lab): A pastry?

The Convener: An extra pastry—yes.

Following that question and answer, we now move to item 6, which is the formal debate on motion S4M-14684, which asks the committee to recommend approval of the draft order.

Motion moved,

That the Justice Committee recommends that the Scottish Tribunals (Administrative Support for Listed Tribunals) Order 2015 [draft] be approved.—[*Paul Wheelhouse.*]

Motion agreed to.

The Convener: Are members content to delegate authority to me to sign off the report on the draft order?

Members indicated agreement.

The Convener: Item 7 is on our final affirmative instrument today, the draft Scottish Tribunals (Listed Tribunals) Regulations 2015. The officials are the same—you do not need to change—and the minister does not need to make an opening statement as he has already done so.

There are no questions, so I move straight on to item 8, which is the formal debate on motion S4M-14685, which asks the committee to recommend approval of the draft regulations.

Motion moved,

That the Justice Committee recommends that the Scottish Tribunals (Listed Tribunals) Regulations 2015 [draft] be approved.—[*Paul Wheelhouse.*]

Motion agreed to.

The Convener: Again, are members content to delegate authority to me to sign off the report on the draft regulations?

Members indicated agreement.

The Convener: Thank you. I thank the minister very much for attending.

10:11

Meeting suspended.

10:13

On resuming—

HM Chief Inspector of Prisons for Scotland (Annual Report 2014-15)

The Convener: Item 9 is on the annual report from HM chief inspector of prisons for Scotland for 2014-15. I welcome David Strang, HM chief inspector of prisons for Scotland. I am sorry that we have not had you here before, Mr Strang—it was remiss of us, but we have had so much legislation to deal with. We are delighted to have you here at last to speak to your annual report and take questions.

I believe that you wish to make an opening statement.

David Strang (HM Chief Inspector of Prisons for Scotland): Indeed. I think that I was last before you in December 2014 when we were considering the independent prison monitoring order.

Thank you very much for inviting me to speak to my annual report, which I published last month. I thought that it might be helpful to take a couple of minutes to say a word or two by way of introduction.

I open my report with a question:

“How good do we want our prisons to be?”

That gets to the heart of the tension or dilemma between punishment of and care for our prisoners. I want to give an answer to the question, which is perhaps not explicit in the report. My answer to the question is that our prisons should be as good as possible. I qualify that by saying that we should be using prison as sparingly as possible.

There are two challenges for us. One involves reducing the number of people who go into prison. The second is about better supporting people as they come out of prison and return to the community. The answer to those challenges lies partly with the criminal justice system and the work that is done in prisons, and partly with other services such as housing, health, addiction support, employment and training.

To prevent people from going into prison, we need to prevent crime, we need to have an effective criminal justice system that reduces reoffending, and we should consider alternatives to imprisonment more carefully, especially for short sentences. Prisons need to work constructively with the people who are in them, so that, when they leave prison, they will be less likely to reoffend. On general services, I know that the ministerial group on offender reintegration considered the whole area of supporting people as

they leave prison so that they do not just go back to the cycle of reoffending, appearing in court and going back into prison.

I am very happy to take any questions on my report.

10:15

The Convener: You have been in post now for two years—is that right?

David Strang: Two and a half years, yes.

The Convener: What has changed? Has anything changed, in your view, since you came from your previous occupation as chief constable of Lothian and Borders Police? In those two and a half years, has your view of how prisons are operating changed? What is your perspective?

David Strang: I think that prisons have changed. Back in 2007 and 2008, when I was a chief constable, I was a member of the Scottish Prisons Commission, which produced the report “Scotland’s Choice”. That report was not so much about much how prisons were run as about the use of imprisonment.

In some senses, my views have not changed in those seven years, in that I still think that we should use prison as sparingly as possible. There is a churning, with people going into prison for a short time and then coming back out, with nothing having changed in their lives other than that they have perhaps lost their job and their accommodation and are more likely to reoffend.

Having been much more intimately involved in prisons as chief inspector over the past two and a half years, one very beneficial thing that I have noticed is that the prison estate—the quality of accommodation—has improved. We now have only four century-old prisons, at Barlinnie, Inverness, Greenock and Dumfries. When I started in the job, we also had Peterhead, which was even older, and Aberdeen, both of which are closed. There is a new prison, HMP and YOI Grampian. The modern estate includes the new build at Low Moss, and even at HMP Edinburgh, which is on the site of the old Saughton prison, the oldest building is about 15 years old.

That improvement in the prison estate has an impact on living conditions, with the end of slopping out and with people in custody being treated in a more humane and decent way. My legal duties are to inspect prisons and report on the conditions in prison and the treatment of prisoners. That helps prisoners to feel that they are being treated humanely.

The other thing that has changed and is encouraging, as I mention in the report, is that what felt like an inexorable rise in the prison

population has levelled off. Numbers are coming down or have stabilised. I am most encouraged about the young offenders institution at Polmont. The number of prisoners is now less than half what it was seven or eight years ago. If there are fewer 16 to 21-year-old young men in Polmont now, I hope that there will be fewer 25 to 31-year-olds in our prisons in 10 years’ time. Most people cease offending, rather than start offending, in their 20s. It is not unreasonable to have that optimism that our prison population will continue to fall.

The Convener: I will go through the list of members who wish to ask questions, so that they know when they are next. Christian Allard will be followed by John Finnie, Elaine Murray, Gil Paterson, Margaret Mitchell, Margaret McDougall and Rod Campbell.

Christian Allard (North East Scotland) (SNP): Good morning, Mr Strang. Thank you very much for the report. I was quite impressed by how positive it is compared with previous reports—although I am not saying that I have read every previous report.

In particular, I find it refreshing that, for the first time, we are not talking about capacity issues; we are talking about replicating good examples, such as that of Polmont, across the estate. Do you feel that this is the start? Do you expect to report exactly the same thing next year, with fewer capacity issues, and to arrive at a point when we need only discuss the quality of prisons, as opposed to their capacity?

David Strang: There are still pockets of overcrowding. I made some comments about smaller prisons in particular, such as Inverness prison, which is a local prison, and Perth prison, which still has some old accommodation. There are some cells that were designed for one person but have been fitted with bunk beds, which makes the conditions pretty cramped.

There are some local examples of overcrowding but, as you say, in general, capacity is under much less pressure. That enables the Prison Service to spend more time addressing prisoners’ needs, which means that the prisoners tend to get more opportunities for education, learning and work. My report is critical of the lack of opportunities for purposeful activity in terms of the number of spaces and the use of those opportunities.

From speaking to people who were around 10 years ago, I know that when Barlinnie had 300 or 400 more men in it than it has now, all the effort and capacity were taken up with ensuring that prisoners had a meal and could get to health appointments and so on, and there was no capacity to do the more constructive things.

The difficulty for the Prison Service is that it does not control the number of people who come into prison. Although the optimist in me would say that we hope that the trends continue, what influences how many people come into prison are factors such as sentencing, crime rates, police detection rates and so on. However, as I sit here, I am optimistic that the trends that we have seen in the past couple of years will continue.

Christian Allard: I have a question about the thematic inspections—

The Convener: Before we go into that, does anyone else want to deal with capacity issues? Mr Strang, could you say something about the impact of the ending of early release and of getting rid of short sentences? Will those two factors make a difference to capacity?

David Strang: They will impact in different ways. The presumption against early automatic release will have an impact. I do not have the figures, but it will result in people being detained for longer, which will increase the numbers.

The processing of short-term prisoners—prisoners who come in for six weeks, eight weeks, three months or whatever—takes up a lot of energy and effort and distracts the service from working with prisoners. If there is a presumption against people being sent to prison for shorter sentences, that will reduce the number of people coming into prison. However, in relation to capacity, the numbers are quite small.

With regard to the abolition of automatic early release, there will still be early release; it is just that it is not unconditional or automatic—a judgment is involved. Because it is not unconditional, it will be on licence, so there will be better supervision. In the longer term, that will, I hope, lead to reduced reoffending.

The Convener: But you do not think that there will be an impact on capacity.

David Strang: I do not think that the numbers are significant in terms of capacity.

Gil Paterson (Clydebank and Milngavie) (SNP): I have a question, convener.

The Convener: Is it on capacity?

Gil Paterson: It is an associated question about older people.

The Convener: Ah, sneaky. What do you mean by that?

Gil Paterson: It is not actually on the issues about older people; it is about how we get to the numbers.

Mr Strang, your report mentions an increase in the number of older people. Is that an increase in

real terms or is it an increase in the proportion of older people in the establishments? You note that there is a reduction in the number of young people, so I wonder whether there is, in effect, the same number of older people and that the issue is simply that the percentage is higher.

David Strang: The answer is that it will be both. My point is that it is an absolute number. We are seeing more older men in prison. At the moment, there are about 250 men over 60 and some in their 80s. I inspected Glenochil this year and there were men in wheelchairs and others walking with zimmer frames and sticks. It is quite marked how many older men there are in prison.

The Convener: That is an associated issue, to which we will return. However, I want to keep to the issue of capacity

John Finnie (Highlands and Islands) (Ind): Good morning, Mr Strang. You have a unique insight, given your membership of the Scottish Prisons Commission. Indeed, you refer in the annual report to the commission's 2008 report, "Scotland's Choice", when you say that

"we need to invest in tackling the underlying factors which lead to offending and imprisonment."

The annual report also says that you see

"too many people in prison who would not find themselves there if the appropriate support were available for them in the community."

To what extent, if at all, are you involved in discussions outwith the walls about alternatives? Is that within your remit?

David Strang: That is an interesting question. My legal duties, which are laid out in a recent order, are to inspect prisons—in particular the conditions in prison and the treatment of prisoners, so I am looking at it from the perspective of prisoners—and to report publicly. However, the committee invites me here and asks me questions, so I comment on wider issues. I speak at conferences and I have discussed issues, such as mental health and offending, in various parliamentary committees. I think that people expect me to have a view on more than just whether the cells are clean and the prisoners get an hour's exercise in the open air. Those are things that prisoners are entitled to and I will criticise a prison if they do not get them.

I was appointed to this post partly because I had 12 years' experience as a chief constable and I had been a member of the Scottish Prisons Commission. I do not feel constrained to talk only about what I find in a prison cell or a work shed. That is why I make those comments.

The title of the commission's report was "Scotland's Choice". We as a nation make a choice about how many people we send to prison;

it is not something that happens inadvertently. If we choose to send as many as we do, we should not be surprised that the outcomes are not good. Even if people are in prison for a short time, they can lose the positive links that they might have had in the community. Relationships can be broken or they might lose their housing or their job. When they leave prison, they are therefore more likely to reoffend. It is perfectly legitimate for me to comment on that.

The answer to your question is yes. I am asked to contribute to Government consultations. I provided a response to the recent Community Justice (Scotland) Bill consultation.

John Finnie: I think that it is appropriate that you are involved, given the insight that you have.

Is there better collaborative work now than there was in 2008 between organisations that are involved in the broader issues relating to prisons?

David Strang: I think that there is more awareness that crime and prisons are not just a matter for the police, the fiscal, the courts and the Prison Service. People recognise more that the life journey of many people who end up in prison has a huge impact on their getting there. There are common features of poverty, lack of opportunity, poor physical and mental health, and addictions in the backgrounds of people in prison. Giving someone a punishment at 20 will not address those issues. That is particularly marked in women who are in prison. We inspected Cornton Vale recently and a lot of women there have been victims of crime in the past or have experienced trauma or broken relationships. They often have poor physical and mental health, and have been affected by addictions, abuse and violence in their past.

I do not dispute the fact that everyone who has been convicted has been convicted in a court and, from the point of view of the sheriff or judge, has been properly sentenced. However, I am talking about the factors that underlie the offending in the first place.

10:30

The Convener: I think that we are all aware of that. I think that John Finnie wanted to know whether the interlinking side of things was getting better.

John Finnie: Indeed. We hear about interagency working and partnerships, which is the current term. In view of the length of time for which you have been involved with this, do you think that there has been a more collective approach? If so, is it bearing fruit?

David Strang: I think that a more collective approach is being taken. The Prison Service is

more engaged with other partner organisations, and there are also public social partnerships such as the shine women's mentoring scheme and the new routes service, which involves Turning Point Scotland, that engage with prisoners perhaps six weeks before release, meet them on the day of their release and give them support. However, although a more collective approach is being taken, I point out in my report that some mainstream services such as housing and health need to do more, and I know that the ministerial group on reducing reoffending came to the same conclusion.

Elaine Murray: You say in your report that although there have been improvements

"there is still a disappointing level of purposeful activity in practice in some prisons",

that there are

"too few places for work, education and training",

and that there is

"a disappointing level of wasted opportunity within the prison",

all of which is making it more difficult for prisoners to engage in meaningful activity after release. In fact, you make recommendations for a number of individual establishments.

What really needs to be done here? After all, we have had reports on these matters in the past. We have heard, for example, that sex offenders are not getting on to the programmes that they need to get on to and that offenders with, say, numeracy issues are perhaps not getting the courses that they need. What needs to be done to improve the opportunities that prisoners get in prison to turn their lives around and to get the qualifications and skills that they need to make them employable later?

David Strang: There are a couple of points to make on that, the first of which is about the absolute number of places. Some prisons that we visit might have education workspaces for only half the prison population, which means that, even if all the spaces are filled, the provision is still insufficient.

I get more frustrated when we go into a learning centre and find that the classes are half full; the college staff are there, but the prisoners have not turned up. More needs to be done to encourage prisoners to attend. They can certainly be required to work, but they cannot be required to attend education courses, and the challenge for the Prison Service is to put them on courses that are relevant, because some prisoners feel that they are not. There are some very good examples; for example, the tenancy and citizenship programmes that are being run in, I think, Dumfries and Cornton Vale are proving really popular, because prisoners

see the real practicalities of and benefits in doing them. The Prison Service needs to ensure not only that there are sufficient places but that the quality of the education is good, that the courses are relevant to the prison population and that prisoners get more encouragement to attend them.

The Convener: I recall that two or so years ago the committee carried out an inquiry on purposeful activity—

Roderick Campbell (North East Fife) (SNP): Indeed. I have the report here.

The Convener: You can come in next, Roddy.

I am disappointed, because some of what you are saying we found out two years ago from visiting various prison establishments. Were you on the committee at that time, Elaine?

Elaine Murray: No, but with regard to purposeful activity, I note that Mr Strang said that prisoners are obliged to undertake work. What is the average amount of work that a prisoner is obliged to do in a week? Does it vary an awful lot?

David Strang: It varies, but I should point out that they are working full time—two or three hours in the morning and two or three hours in the afternoon. Moreover, prison services such as the kitchens, cleaning, recycling, the laundry and so on are run by prisoners, and they, too, provide opportunities for work and, sometimes, qualifications.

Elaine Murray: So your comments are more about the training side of things. It is not that you feel that people are not getting sufficient opportunities to do meaningful work so that they can show a future employer that they did something when they were inside.

David Strang: That is right. There are other opportunities for work. There is some good woodwork fabrication, where prisoners make things that are then sold and so on, and there is a new venture in Low Moss called freedom bakeries, where some men are learning to bake and the goods are being sold in outlets in Glasgow.

The Convener: “The Great British Bake Off” featured the governor of a prison who bakes wonderful breads and things. Anyone who is low enough to watch it, as I do, will have seen that.

David Strang: I did not see that.

The Convener: He made it macho. Roderick Campbell and Margaret McDougall have supplementary questions.

Roderick Campbell: Good morning, Mr Strang. I want to return to the report that the committee published on 28 March 2013. We said in the report that there should be a strategy on purposeful

activity, and we recommended that, as part of that, the Scottish Prison Service should include individual prison plans that set out how each prison would deliver the aims and objectives of the strategy.

In your report, you say:

“Whilst there has been considerable progress in developing a strategy for purposeful activity, there is still a disappointing level of purposeful activity in practice in some prisons.”

Have you seen anything that resembles an individual prison plan? I visited Perth prison as part of our inquiry. I looked at your recommendations on Perth, but they just talk about maximising purposeful activity. The report does not give me a clue as to what is happening in practice. Would your job be easier if there were individual prison plans that you could refer to in order to see what should be happening?

David Strang: In fairness to the Scottish Prison Service, it has developed a strategy on purposeful activity in response to your report. A great deal of work is going on and there is a lot of emphasis on preparation for release and throughcare, on which the service links in with outside agencies, as I mentioned in my answer to Mr Finnie’s question. The SPS has taken a commendably broad view of purposeful activity.

One of my observations about prisons in Scotland is that there are often inconsistencies. I find pockets of good practice in one place that are not picked up and implemented elsewhere. It is fair to say that the Scottish Prison Service has made progress on purposeful activity and it certainly has a strategy. What I am beginning to see, but hoping to see more of, is the implementation of that strategy at a local level in the 15 prisons across Scotland.

Roderick Campbell: Purposeful activity in the establishments has been a recurring theme in your reports, but there is a bit less on it this year than in the previous year’s report, for example. In general, do you believe from the establishments that you have looked at this year that we are making improvements across the piece, or is progress still disappointingly slow?

David Strang: To be fair, the prisons are making progress. I am trying to encourage them to make more progress and to move that on. There is still scope for improvement, but the position is better than it was two years ago.

Roderick Campbell: We said in our report that purposeful activity and short-term prisoners did not seem to be going together. Do you have any comments on that? Do your inspections show that short-term prisoners in particular are still not engaging in purposeful activity?

David Strang: It is difficult. Someone may need to learn a skill, but if they are in for only a very short time, it is difficult for them to be accommodated in some of the workshops. Motivation is also an issue. A lot of short-term prisoners think, "I've only got to do four weeks and then I'm out", so they do not have the commitment that longer-term prisoners have to making more constructive use of their time.

Roderick Campbell: Okay. Thank you.

Margaret McDougall: You spoke about education places not being fully filled and you said that some prisons have looked at that and changed the opportunities and the classes that are available. My question is about the lack of consistency across the prisons. You said that there are some good examples, but it seems that the provision is not consistent. How do we get consistency across all the prisons? Are they not learning from each other? I understand that what works in one place may not work for all prisoners, but surely there should be consistency. I presume that the term "purposeful activity" is the new politically correct term for rehabilitation—

The Convener: No—purposeful activity is done so that prisoners are not just sitting in their cells. Quite a lot of our report was to do with the issues that Elaine Murray touched on about prisoners' literacy and numeracy. The figures on that are very low and we were quite shocked by the education provision, which in some places was old-fashioned and involved sitting at a desk, which is not the way that others would do it. It is a very broad idea.

Margaret McDougall: One of the reasons to be incarcerated is to be rehabilitated, and prisoners have that opportunity. The chief inspector mentions in his report the "wasted opportunity". How do we get consistency and what can be done to improve the situation?

David Strang: There are good examples in which, rather than prisoners just learning in a classroom, they learn perhaps in one of the work sheds, where the college staff are engaged in some of the teaching. That is more practical, which is often well received by the prisoners and they are more likely to engage with it.

Prisons are very different. There are some small local prisons and some are for women or for young offenders only. However, through my reporting, I try to identify good practice and encourage it to be taken up elsewhere. Governors are allowed local discretion, particularly if they are linking with a local organisation that is available in one particular place and not elsewhere. Therefore, there are legitimate reasons for differences. However, I would like more consistency in what is available and delivered across all prisons.

Obviously, that should be the identified good practice, because I do not want them all to go down to the lowest common denominator. I want prisons to improve what they are doing right across Scotland.

After we publish a report, we follow it up and see what progress the prison is making on implementing the recommendations or conclusions from our report.

Margaret McDougall: Your report states:

"the regime for some prisoners was very restricted."

I assume that that refers to purposeful activity. What can be done in that case? Does that apply to specific prisoners who are perhaps not allowed out of their cells?

David Strang: I was thinking particularly about prisoners who are on protection because of their offence. For example, people who are convicted of sexual offences cannot mix with what are called the mainstream prisoners. It is quite understandable that, for example, such prisoners have access to the gymnasium at a different time, but they do not get as much time. That is what I was highlighting in my report. I inspect on behalf of all the prisoners. Obviously, the majority of time in the prison is geared towards the main stream or the bulk of prisoners, but I was highlighting that, where prisoners have to be kept separate, prisons must ensure that they do not ignore the needs of those prisoners and that they get access to activities, visits, the gym and exercise and so on.

Margaret Mitchell (Central Scotland) (Con):

To be clear, when we heard evidence about short-term prisoners, the point was not so much that they were not engaging but that they did not have the opportunity to engage. Is that still the case?

David Strang: Yes, it is, because often there is a waiting list. That relates back to my point that there are not enough places for everyone. Someone might want to get on a painting and decorating course, but the programme might already be running and there might be a three-month waiting list. If that person is doing a three-month sentence, they will not get on the course. The issue is partly about engagement, but it is also about availability.

The Convener: I do not know how the committee feels about this, but given what you are saying, if we have time, it might be interesting to go back to our report on purposeful activity, which we produced two years ago, and see how much has changed. Numeracy and literacy were an issue, especially when we visited the young offenders institution. The Dogs Trust was involved with prisoners, using rescue dogs such as Staffies. I do not know whether that still happens. The prisoners were writing and doing things that they

would not normally have done, because it was part of something else. The same thing happened with repairing bikes. Would you recommend that we go back to that report, in the light of what you are telling us, to see what has changed?

10:45

David Strang: I think that you would find that a lot has changed. The paws for progress programme, in which the learning staff work with young men on the care of stray dogs, and Recycle-a-Bike are two good examples of initiatives that provide the practical skills that young men might be able to use when they leave.

The Convener: Are they still going?

David Strang: Yes. In the past two years, the two activities blocks in Polmont have been completely refurbished and made much more fit for purpose. There is also a radio station at a couple of prisons. Those sorts of things—

The Convener: It was not just the practical side that impressed us; it was the fact that they were writing. If they had been sat at a desk and asked to write, they would never have done it but, because it was part of something that they were interested in, they were prepared to write. They were measuring and making things, so their numeracy was being expanded as well, but not drily by making them sit at a desk.

David Strang: Polmont has been completely reviewed. One project has been working with Education Scotland, and the approach is much more attuned to the learning needs of teenagers than to adult numeracy and literacy.

The Convener: Thanks. The committee will want to consider whether we might go back and look at that.

I will refer to my list of members again. The order has moved about a bit, because you have all popped in at different times, but that is okay. We will hear from Gil Paterson, Rod Campbell, Christian Allard and then Margaret McDougall. I have rejigged the order.

Margaret Mitchell: I was just going to ask a supplementary question, convener.

The Convener: I have miffed you, so I will let you in after Gil Paterson. You scare me. The order will be Gil Paterson, Margaret Mitchell, Rod Campbell, Christian Allard and Margaret McDougall. That is fairly democratic.

Gil Paterson: Mr Strang, I should have said before that I am very impressed with your report and the way in which it is presented. It is an easy-to-read document. I want to talk about Polmont, which you say a lot about in your report. There has been quite a significant drop in numbers at that

institution. What do you put that down to? A drop like that in seven years seems quite remarkable.

David Strang: It is, and it is very encouraging. There are a number of different answers—I do not have the expert answer on that. As I said, the number of people who are being given a prison sentence is not a matter for the Scottish Prison Service.

In my old job, I was familiar with the whole-systems approach to youth offending, which involved trying to keep teenagers out of the criminal justice system as long as possible through diversion schemes and trying to pick up people who were at risk of being excluded from school at the age of 12 or 13. There has been a lot of partnership activity to support youngsters who are at risk of going off the rails, and we are beginning to see the products of the whole-systems approach.

Lesley McAra's and Susan McVie's Edinburgh study of youth transitions and crime studied a whole generation of teenagers in Edinburgh, and the evidence was that keeping them out of the criminal justice system produced the best possible results. I therefore think that that approach to dealing with teenagers who are at risk of offending has had an impact. However, the work that is being done at Polmont has resulted in fewer people returning, so it is legitimate to say that some of the work that is being done at Polmont to engage young people is very good.

A lot of these young people are disaffected with authority and do not want to engage with education, so it is a double challenge to get alongside a young man at Polmont, say to him, "Look, your life could be different. What skills do you have? What are you interested in?" and get him to do something more positive than going straight back out to reoffend. I recently spoke to the governor at Polmont, who told me that, in the past two years, the number of young men returning to custody has decreased significantly. I think that that is a product of what is being done at Polmont.

Gil Paterson: You touched on the learning environment, and it would be good if you could flesh out that subject.

In your report, you talk about the importance of maintaining family links, particularly for young men in Polmont, and say that the institution has an innovative way of tackling the issue.

David Strang: The double-decker bus?

Gil Paterson: Yes. Could you say more about that?

David Strang: Across prisons in Scotland, there is a recognition that one of the factors that will help to reduce reoffending involves constructive

relationships with family and friends. In a lot of cases, the young men in Polmont can have relationships with their mothers and their partners. A lot of them have children and babies, and we need to get them to understand their responsibilities as family members and encourage them to either restore or maintain family links. Quite a few prisons now have a family help hub. There is a positive family centre in Cornton Vale. It can be quite daunting for a family who is coming to visit someone in prison, particularly if they have to travel some distance. At that family centre, they can have a cup of coffee and have their questions answered. That encourages them to come to visit. At Polmont, there is a double-decker bus that is kitted out for children to use when they come. That makes the experience less daunting, which encourages those links between the person in prison and their family.

Gil Paterson: Do you think that those initiatives are driving down the reoffending numbers?

David Strang: It is hard to prove a direct link. We need to look at the factors that contribute to reducing reoffending. Issues such as someone having somewhere to live are important—we still see people walking out of prison not knowing where they are going to sleep that night. You can see that that is a contributory factor to reoffending. If people still have an addiction problem when they leave prison, it is important that healthcare is in place. It is also important that people have a job or some sort of purposeful activity in their life outside prison. Supportive family relationships are seen as a positive thing, too. If you can inspire someone to want to live as a father or a partner in a positive way, that is helpful, but positive family support can also be helpful in another way, in that it can stop someone going out and getting involved in crime and violence.

Margaret Mitchell: On the lack of capacity in Shotts prison to meet the demand for father and child visits, what is the specific problem? Does it concern timetabling or space in the prison? Could something along the lines of Polmont's bus idea be introduced at Shotts?

David Strang: Shotts is a long-term prison. It is a national facility, so there is the distance issue. I do not know whether you have visited Shotts but, unless you live in Shotts village, it is a challenge to get there.

Where we saw father and son visits working, they were really good, because they allow the child to have contact with their father. Low Moss, which is more of a local prison, has a well-developed homework club and so on, which enables the fathers to be more engaged in the lives of their children.

The issue is partly to do with timetabling. If people have to travel to get to the prison, it is difficult to do anything after school or in the evening. The meetings therefore have to take place at weekends, and we recommend that more of those father and child visits are scheduled during the weekend, when it is easier for people to get to Shotts.

Margaret Mitchell: You mentioned that there is some excellent and valuable support for vulnerable prisoners, particularly to address the needs of those with mental health issues and drug addiction problems. Could you elaborate on that? In your opening comments, you mentioned the need for underlying causes to be identified. Is sexual abuse considered in that regard? It is an issue that has been raised in female prisons, but it is also a huge issue in male prisons. I do not think that that has been touched on.

David Strang: Yes. An organisation called Open Secret supports men and women, including prisoners, who have been victims of sexual abuse.

One of the most shocking things for people who have not been in a prison is seeing the poor health of the people there. I am talking about their physical health but particularly about their mental health and addictions. Obviously, I am not talking about everybody, as there are lots of robust men who are quite healthy but who have committed a crime and are rightly in prison. In particular, there is the overlap between addictions and mental health problems. I am not an expert on personality disorders, which have been written about elsewhere. They are not treatable mental illnesses, but they have a big impact on how people behave. There is a sizeable population of such people in prison.

I have been impressed with the work that is done in the health centres. All prisons will have a multidisciplinary mental health team, and I think that there is greater awareness among prison officers—I am talking about the uniformed employees of the Scottish Prison Service—of mental health issues and particularly of prisoners who are vulnerable and are liable to self-harm and potentially attempt suicide.

Mental health nurses and psychiatrists provide specialist medical support in prisons. However, that takes place just in the medical centre through an appointment. Perhaps there will be one-to-one counselling in a clinic or treatment medication.

There is also what happens where the prisoners live. They may go to the health centre and see a psychiatrist or a mental health nurse and get some treatment, but they will return to a wing or a hall and their cell. That is where the prison officer has a role in looking out for vulnerability. It is clear that someone who is very vulnerable will be placed on

the act to care programme for vulnerable prisoners. They might have hourly observations.

What I see and what impresses me is the enormous care and effort that the health staff and prison officers invest in trying to support the most vulnerable people in prison. The big picture is that those people have committed offences, so they should be in prison, but is being in prison the best place for where those people are? I will argue about that when we talk about older people. A lot of those people fall through the net and somehow do not get picked up by other social services, so they end up in a police cell, then a court and then in prison.

That is what I meant by being impressed with the support that is provided for vulnerable prisoners.

Margaret Mitchell: Whether prison is the right place for people who are not a threat to the public but are a threat to themselves has always been an issue.

On addictions, I noticed that you covered the new psychoactive substances in the report and noted that there is no test for them and that there is a huge prevalence of them. What recording is there of incidents that involved those substances?

David Strang: That is difficult, because we do not necessarily know that there have been those incidents. Obviously, if those substances are found on people, that can be recorded, and the substances can be sent for analysis. However, the finding is that people are suspected of having taken them, and they can then be very violent and unpredictable. I know that my counterpart in England and Wales, Nick Hardwick, has seen a huge increase in the use of the new psychoactive substances, or legal highs, as they are sometimes known. There is a big mark-up in price because they are legal outside prison and attractive inside prison. There is a 10:1 mark-up, so they have become a commodity for bullying, intimidation and violence. There is also the behaviour of the person who has taken them. I raise the issue because I think that it is a growing phenomenon, just as it is outside in the community. What happens outside in the community is reflected inside prison, so I flag that up as a risk for the future.

11:00

Margaret Mitchell: But what recording is there of an event that involves a psychoactive substance? Is work being done to look at the substances that might be available in prison, which prisoners might be able to buy and mix with something else? How are you trying to address the situation, now that we have established that there is a problem?

David Strang: Each prison has an operations department and an intelligence unit, which will investigate all those cases in which people are found with psychoactive substances and look at who their associates are. The security at the perimeter is meant to prevent illegal substances from coming in, but creative prisoners and other people will find ways of getting substances in.

To answer your question, analysis is done. Prisons try to track the use of such substances and get the intelligence picture in an effort to prevent such events from happening again.

Margaret Mitchell: Would something be banned because it has been known to have been used for a purpose other than the one that is set out on the tin?

David Strang: Yes. It is clear that if a particular substance was found, it would be banned. Someone who was visiting would not be allowed to bring that in if it was found on them.

Margaret Mitchell: Is education carried out with prisoners about such substances, some of which can have horrific effects? In some cases, amputations have been necessary.

David Strang: Absolutely. Education is a key part of the work that is done. One of the frightening things about the use of NPS is that people do not know what is in the mix. If someone is injecting pure heroin, they know what they are injecting and what it does to them, but that is not the case with some of the new psychoactive substances. It depends what they have been mixed with and so on.

One of the new standards that we inspect against is how much health promotion goes on. Information on blood-borne viruses, hepatitis, HIV, sexual health and substance use is provided as part of prison health education programmes.

The Convener: Are you talking about packets of things that are passed by the visitor to the prisoner, or are they manufactured in situ?

David Strang: They are not manufactured in situ; they come in from outside.

The Convener: Can you explain why that is not detected? Are visitors not monitored on closed-circuit television? Are visitor rooms not supervised? I am just trying to get to the bottom of this.

David Strang: All people who visit prisoners are searched and their bags are searched, but if someone has something small sewn into their jacket, it might not be found. Although the visits room is supervised, one can imagine it being possible to pass something over at some point. The system is not foolproof. Prisons take the issue seriously, but there is a balance to be struck. I

would be critical if a prison was too draconian with visitors. That goes back to our previous conversation about encouraging visitors, including children, to come.

There are other ways in which drugs get into prison. For example, people who come from court—

The Convener: I understand that, but I go back to Margaret Mitchell's point. Are instances of such substances being passed to prisoners, and any facts behind that, recorded? You say that it is the fact that a prisoner is behaving in a bizarre fashion that lets people know that something has happened, but is the taking of substances from visitors recorded?

David Strang: That will undoubtedly be done. I do not have those figures, but the SPS will have a record of all that it finds on searches of prison visitors.

The Convener: It would be useful for us to have that information. I think that Roddy Campbell wants to come in on that.

Roderick Campbell: No—I think that the issue has been exhausted. I will come in on videolinks, if I may.

The Convener: Please do—it is your turn.

Roderick Campbell: In your report, Mr Strang, you say:

“There is scope for increasing the use of video linking.”

However, I am not sure from your report how extensively video links are used in courts today, nor am I sure about the extent of the scope that exists to increase their use. Perhaps you could elaborate on that.

David Strang: I am happy to do that. I was in Inverness prison in the spring of 2014 and a young man was due to appear at Stornoway sheriff court. Before the days of videolinking, he would have been taken to the airport by an escort at 6 am and flown over to appear in the court, then he would have been flown back, arriving at 8 pm.

I stood at the back and saw him go into a room in Inverness prison that was videolinked to the sheriff court. The sheriff, who was visible, asked him to confirm his name and whether he was pleading guilty or not guilty. The man said that he continued to plead not guilty and he was remanded for another three weeks, or whatever it was. The whole hearing took about 40 seconds.

In that example, a great deal was saved. It is a dramatic example, because use of the videolink saved so much effort and disruption, all of which would have been to no good purpose. We could do more of that.

There is a programme—I am not sure whether it is run by the Government, the SPS or the court service—to roll out videolinking and link all prisons to courts, although it is not yet in place everywhere. A videolink can be used for a consultation with a lawyer, rather than the lawyer having to come to the prison, as well as replacing unnecessary journeys to court for procedural hearings. It represents a better use of resources.

Roderick Campbell: In your reviews and inspections of individual prisons, will you focus on the extent to which prisons use video technology?

David Strang: I already look at it. I have commented that the difficulty is often that the technology is not suitable, the court is not willing to use it or the defence lawyer still wants to go to the prison, rather than the difficulty being in the prison. My comment was the more general one that there is scope for improving use of the technology.

Christian Allard: Where are we on families being able to videolink with prisoners? I did not see that in your report.

David Strang: There are some examples of that. Two years ago, when Peterhead and Aberdeen prisons had closed but before Grampian had opened, prisoners were moved to Perth, Barlinnie and Shotts and a system was set up in the offices of Apex Scotland in Aberdeen through which families could go to the offices and link in to those prisons. That was successful and it continues to some extent.

I have also been told of an example of a foreign national in a Scottish prison who had a Skype conversation with a member of his family overseas. What is being said has to be carefully supervised and monitored, but in general the technology is used and it could be used more.

Christian Allard: It should be welcome, because it reduces costs for the prison and for the families.

David Strang: Yes. It is better than no contact, but face-to-face contact is better still.

Christian Allard: Of course. You conducted one thematic inspection this year. Will we see the findings soon?

David Strang: Yes. We are compiling the report and I will publish it after Christmas. It looks at the use of separation and reintegration. A small number of prisoners are kept in segregation—some for, say, three days—and then returned to the mainstream. The report looks in particular at those who have been kept in segregation for a long period and may be moved from one prison to another.

Christian Allard: What thematic inspections will you conduct in 2016? Will they include HMP Grampian?

David Strang: Are you asking whether HMP Grampian will be included in thematic inspections?

Christian Allard: Yes.

David Strang: We will be conducting a full inspection of HMP Grampian later this month.

Christian Allard: Right. Will it include the radio service that I think has started there?

David Strang: We look at all aspects. Our 10 standards mean that we look at every aspect of the prison including how the prisoners are treated, what purposeful activities there are, what the healthcare is like, whether it is a safe prison, what relationships are like and how well prisoners are prepared for release. We examine every aspect of a prisoner's life.

Christian Allard: Can you tell us more about the thematic inspection next year?

The Convener: Do you mean just for HMP Grampian?

Christian Allard: No.

The Convener: You mean in general. That is fine. I do not want to focus just on your patch.

David Strang: We are going to conduct a thematic inspection next year on the high care needs of older prisoners. I highlight in my report that that is an increasing challenge for the Scottish Prison Service, particularly in relation to older men with physical infirmities, dementia, Alzheimer's and so on. It is expensive to look after a patient in prison—for example, widening a cell door to allow wheelchair access costs about £7,000.

We will look to see what the needs of that growing population are and how they are being met. That is about social care needs as well as medical or health needs. If a prisoner needs help with washing and dressing, for example, the question is how that should be provided. It is not the job of a nurse or a prison officer, so some interesting issues are raised. Some prisoners at HMP Glenochil buy in social care assistants, who come and help with washing and dressing.

The problem is not just a one-off; it is an increasing problem for the Prison Service.

Christian Allard: It will be interesting to know about the impact of that on prison staff.

David Strang: Absolutely.

The Convener: When will you be doing a report on that issue? I do not think that we were aware of the growing resource implications. Are you going to do a full report on that specific issue?

David Strang: Yes. I will conduct that thematic inspection in the first half of next year.

The Convener: When will the report be out? I just want to know approximately when—I appreciate that you cannot be specific.

David Strang: It will probably be in a year's time. We will do six months of fieldwork and then three months of analysis and write-up, so I expect the report to be published in the autumn of next year.

The Convener: At the same time as you are doing that, will the head of the Scottish Prison Service, Colin McConnell, and the Government be looking at the issue so that there is a collective view and they are not just sitting still and waiting for your report?

David Strang: I know that they know that it is an issue. Given that there are health and social care integration joint boards, there are responsibilities for local authorities as well as for the health service, and I know that they are looking at the issue.

The Convener: Maybe we will take the issue further with the cabinet secretary.

Margaret McDougall has been waiting to ask Mr Strang a question.

Margaret McDougall: I want to follow up on the point about the national health service. Your report lists some recommendations for most of the prisons in relation to the NHS. How helpful is the NHS as a partner in helping with prisoners and prison life?

David Strang: That is a very broad question. It works well in some prisons, but not so well in others. Prisoners have to wait quite a long time for an appointment for some services, particularly dental services. Some prisoners who are on remand or serving short sentences will not get access to routine dental care.

Responsibility for the provision of healthcare in prisons transferred four years ago from the SPS to the nine local NHS boards in Scotland that have prisons in their area. There is good liaison between the NHS management and the prison management. I see a lot of good examples of joint working in prisons, particularly with vulnerable prisoners. Every prison has NHS staff who give out medication every day, which is a big commitment. If there is a shortage of staff, that can cause problems for the smooth running of the prison.

They have to work together closely at operational level on a daily basis. In most places, that happens well, but there are some places where it is not as smooth as it could be. I sometimes find that one side blames the other—

the operational staff say that it was the NHS's fault and the nurse says that it was the operational staff. I have said that they need to sort out some of those problems. Healthcare provision is a big part of prison life. When I speak to prisoners, the three primary things that they complain about are the food, visits and healthcare.

11:15

Margaret McDougall: Mental health is a particular issue among the prison population. What is the best way to deliver mental health care? Is it being delivered?

David Strang: I said earlier that I was impressed by the support that was being given to people in prison with mental health problems. Obviously, I am not in any way medically qualified, but I know that there are prisoners who are diagnosed with personality disorders and who do not move on elsewhere and there are others with serious mental health illness who might be moved to the state hospital or into a medium-secure unit. The prison service expresses frustration that that does not happen as easily or as smoothly as it would like. I have certainly observed that prisons are left having to care for people with mental health problems. As a layperson, I wonder whether prison is really the best place for such people to be treated.

Margaret McDougall: On a different subject, I am not up to date with what is happening with the prison visiting committees. I believe that they were disbanded some time ago.

David Strang: Let me tell you a good-news story about that. Last December, the committee considered an order on independent prison monitoring that was agreed by the Parliament in January. That meant that prison visiting committees, which the member referred to, were replaced on 31 August this year by a scheme of independent prison monitors, who are under my responsibility. I have recruited four co-ordinators—a national co-ordinator and three regional ones—and they in turn have recruited more than 100 independent prison monitors. Since 31 August, every prison in Scotland has been visited every week by the new independent prison monitors. They are beginning to pick up prisoners' complaints. The monitors observe practice and will comment on what they find in the prison. That is then fed back to the prison governor.

There is a new scheme for prisoners to contact an independent prison monitor. If a prisoner wants to speak to a monitor, there is now a freephone number in every prison, so the prisoner does not have to go through a prison officer to make the request. The call comes into the office of the

monitors and the issue will then be allocated to the monitor who will visit the prison next.

About a third of our monitors were previously visiting committee members, and it has been helpful to have that continuity, but two thirds are brand new and they come from a wide range of backgrounds. There is a much greater age range, including younger monitors. We have some university students, who will maybe do it for two or three years and who are taking a real interest. We are beginning to gather a picture of the issues that prisoners are raising. In December, each of the co-ordinators will meet with prison governors to feed back the findings of the new monitors.

The Convener: That is heartening to us, because much of what you said is what the committee recommended, particularly in relation to the age range. That was an issue that concerned us.

David Strang: Yes—absolutely.

The Convener: I think that Gil Paterson still has a short question.

Gil Paterson: With regard to older people in prison with health needs—some of which are chronic, from what Mr Strang has said—does the Parole Board for Scotland get involved in such issues? Does the board have any discretion to release people in such situations?

David Strang: I will not speculate on that, because I am not clear what the Parole Board takes into account in making decisions.

Gil Paterson: Okay—thanks for that.

The Convener: I thank Mr Strang very much for his evidence.

While he is here, I want to ask for the committee's opinion on something. We have picked up on several issues. There is the issue about what has happened since our inquiry into purposeful activity. We had Colin McConnell before us after that inquiry and we have had Mr Strang's evidence today. We have also raised the issue of older prisoners and that of psychoactive substances and the statistics that the Scottish Prison Service perhaps has to hand. Does the committee want me to write to Colin McConnell on behalf of the committee on those three points and perhaps see whether we can have him in to give evidence, if we have a gap? He can answer in writing, but we could have him in at some point in the new year, just to keep the issue going. What do members feel about that?

Margaret Mitchell: That would be positive.

The Convener: It would give us the opportunity to develop the issue further, to keep it going and not let it go off the boil.

Christian Allard: It is a good idea, but we should make sure that we have the thematic report findings before we do that.

The Convener: We do not need to wait for that. The aim is just to get comments on the issues that have been raised.

Christian Allard: I think that the thematic review findings will be produced just after Christmas.

David Strang: That is the report on segregation.

Christian Allard: Yes, the segregation one—that is what I was talking about.

The Convener: We are finished the evidence session. I do not mind Mr Strang joining in the discussion, as I thought that he might be interested in where we are going on the issue.

David Strang: Yes, indeed.

The Convener: However, we will have no more questions for Mr Strang.

John Finnie: It would of course be very good to have that information, but we should consider that as part of our discussion on the work programme, because there are a number of other compelling matters that we would all like to consider.

The Convener: Well, could we just write out first of all and see what comes back?

John Finnie: Yes.

The Convener: It would be good to do that. To an extent, I had forgotten about our purposeful activity report, which was two years ago. Because we are under such pressure as a result of all the legislation that we have to deal with, we do not get to check up on what has happened after we have done something. In the first instance, we will write to Mr McConnell and see what he has to say.

I thank Mr Strang very much for his evidence. We now go into private session.

11:21

Meeting continued in private until 12:12.

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