

# **AUDIT COMMITTEE**

Wednesday 14 May 2008

Session 3

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# CONTENTS

Wednesday 14 May 2008

	Col.
INTERESTS.....	527
DECISION ON TAKING BUSINESS IN PRIVATE .....	528
“MANAGING INCREASING PRISONER NUMBERS IN SCOTLAND” .....	529
“OVERVIEW OF SCOTLAND’S HEALTH AND NHS PERFORMANCE IN 2006/07” .....	543
“DEALING WITH OFFENDING BY YOUNG PEOPLE” .....	545
“POLICE CALL MANAGEMENT—AN INITIAL REVIEW” .....	548
ANNUAL REPORT .....	553

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## AUDIT COMMITTEE

### 9<sup>th</sup> Meeting 2008, Session 3

#### CONVENER

\*Hugh Henry (Paisley South) (Lab)

#### DEPUTY CONVENER

\*Murdo Fraser (Mid Scotland and Fife) (Con)

#### COMMITTEE MEMBERS

\*Willie Coffey (Kilmarnock and Loudoun) (SNP)  
\*George Foulkes (Lothians) (Lab)  
\*Charlie Gordon (Glasgow Cathcart) (Lab)  
\*Jim Hume (South of Scotland) (LD)  
Stuart McMillan (West of Scotland) (SNP)  
\*Andrew Welsh (Angus) (SNP)

#### COMMITTEE SUBSTITUTES

Derek Brownlee (South of Scotland) (Con)  
James Kelly (Glasgow Rutherglen) (Lab)  
Iain Smith (North East Fife) (LD)  
\*Sandra White (Glasgow) (SNP)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Miranda Alcock (Audit Scotland)  
Mr Robert Black (Auditor General for Scotland)  
Angela Cullen (Audit Scotland)  
Mark Diffley (Audit Scotland)  
Phil Grigor (Audit Scotland)  
Nick Hex (Audit Scotland)

#### CLERK TO THE COMMITTEE

Tracey Reilly

#### SENIOR ASSISTANT CLERK

Joanna Hardy

#### ASSISTANT CLERK

Rebecca Lamb

#### LOCATION

Committee Room 6



## Scottish Parliament

### Audit Committee

*Wednesday 14 May 2008*

[THE CONVENER *opened the meeting at 10:02*]

### Interests

**The Convener (Hugh Henry):** Good morning. I welcome members, the press, the public and Audit Scotland staff to the Audit Committee's ninth meeting in 2008. I ask everyone to switch off mobile phones and other electronic devices.

Agenda item 1 is a declaration of interests. I welcome Charlie Gordon back to the committee after a brief absence and invite him to declare any relevant interests.

**Charlie Gordon (Glasgow Cathcart) (Lab):** Members can see how thrilled I am to return. I have nothing to declare.

## Decision on Taking Business in Private

10:03

**The Convener:** Do members agree to take item 8 in private?

**Members** *indicated agreement.*

## “Managing increasing prisoner numbers in Scotland”

10:03

**The Convener:** For item 3, I invite the Auditor General for Scotland to give us a briefing.

**Mr Robert Black (Auditor General for Scotland):** Good morning. “Managing increasing prisoner numbers in Scotland” was published last week. Rising prisoner numbers and prison overcrowding have been commented on many times by Her Majesty’s chief inspector of prisons in various reports, and they have been of concern to the Parliament and the Scottish Government and the subject of comment in the media. The report looks at the overall picture of how prison numbers are managed and at the main issues that arise from the pressures of overcrowding.

As I am sure the committee is aware, the number of prisoners has increased—by more than 20 per cent since 2000. In April this year, the number reached its highest level—about 7,700. Scotland has one of the highest rates of imprisonment in western Europe and the number of prisoners is projected to increase by just short of a further 20 per cent by about 2016.

Several factors contribute to the increase. First, changes have occurred in sentencing patterns, including more use of remand—the number of remand prisoners increased by 80 per cent in the six years to 2006. Secondly, a large increase has taken place in the numbers who are returned to prison after they have breached arrangements such as supervised early release. In recent years, the number of released prisoners who may be recalled to prison has increased by more than 250 per cent. Thirdly, there has been a 70 per cent increase in the number of female prisoners, although we have to acknowledge that the total number is much smaller than the number of male prisoners. Finally, there have been changes in the legislation, including the introduction of mandatory minimum sentences for some offences and extensions to certain maximum sentences.

Exhibit 3 on page 7 of the report gives a breakdown of the size of the increase in different categories. It is quite interesting to note from that that there was no increase in the number of long-term prisoners between 2000 and 2006. The increases are all in the other categories, which are mentioned briefly.

The Scottish Prison Service must, of course, take everyone who is sent to it by the courts. It spends around £280 million each year on the 14 prisons in Scotland. Although numbers increased over the six years to 2006, the Prison Service’s

budget did not increase in real terms during that period. One consequence of that rise in numbers is that, in February this year, 11 of Scotland’s 14 prisons held more prisoners than they were designed for. Our analysis shows that overcrowding affects large numbers of prisoners, with just under half of prisoners sharing cells. It is worth emphasising that more than a fifth of prisoners are sharing cells that are designed for one person. In the three most overcrowded prisons, more than half of the prisoners are sharing accommodation that was designed as single-cell accommodation.

There are at least four significant effects of overcrowding. The first impact is on rehabilitation work. Currently, about two thirds of prisoners are reconvicted within two years of release, but overcrowding restricts prisoners’ access to activities such as education and employment training that aim to help to reduce reoffending. Secondly, prisoners consider cell sharing to be one of the worst aspects of overcrowding, and mixing different categories of prisoner—for example, untried and sentenced prisoners—in the same accommodation can lead to increased tension among prisoners. Thirdly, as members will be aware, many prisoners have significant health and addiction problems. A growing prison population puts pressure on services and can lead to increases in waiting times for access to health care. Finally, it is worth noting that remand and short-term prisoners are most affected by overcrowding. They are more likely to share cells and spend longer periods locked up in their cells due to lack of access to activities.

A consequence of the rise in numbers is that there were more prisoners per prison officer in 2006 than there were in 2000. That may add to the problems of giving prisoners access to rehabilitation activities. On the other hand, it is worth emphasising, as we do in the report, that relations between prisoners and prison officers are generally good.

The Prison Service has provided temporary house blocks at two prisons to help to accommodate the increase in the number of prisoners, at a cost of about £7 million. Those facilities can be built relatively cheaply and more quickly than permanent house blocks, but they will last only up to about 25 years and are suitable only for low-security prisoners.

I mentioned that the average number of prisoners increased by about 20 per cent in the six years up to 2006. Over that period, the number of prisoners being admitted to prison increased by a half. That is because many prisoners are admitted on remand or on short-term sentences. That means that the Prison Service has incurred rising costs that are associated with admitting,

accommodating and transferring prisoners, although the budget has not increased in real terms.

In 2002, it was decided that more than 3,000 new places would be required by 2010-11, both to increase capacity and, equally important, to replace unfit accommodation. In the past six years, around £280 million has been spent on improving the condition of the prison estate. Around 90 per cent of that money has been spent on developing four prisons, and other prisons have benefited from smaller-scale funding to make them more fit for purpose.

In recent years, I have presented three section 22 reports to the Audit Committee on the Prison Service's possible liability for compensating prisoners following legal challenges over slopping out. As members of the committee will be well aware, those risks came to pass. Recent improvements in prison conditions have all but ended that, reducing the likelihood of successful legal challenges along those lines in future. However, it is not impossible that continuing overcrowding may leave the Prison Service and the Scottish Government open to a different sort of legal challenge in future.

New house blocks have provided around 2,700 prisoner places, but those have largely replaced outdated accommodation. As a result, the overall design capacity has increased by fewer than 200 places and is currently around 1,000 below the number of prisoners held. There are plans to increase prison capacity by around 1,900 places in the next six years, including by building three new prisons. However, it is not clear whether current plans will be sufficient to accommodate projected prisoner numbers in the long term. The projections may not be accurate and new legislation, such as the Custodial Sentences and Weapons (Scotland) Act 2007, may add to the upward pressure in the system.

My report reviewed the use of community sentences that may be used as alternatives to prison, such as probation or community service. In the six years to 2006-07, the use of such sentences increased by more than a half and spending on them rose by 80 per cent. However, their use may still be restricted by the unavailability of programmes in parts of Scotland and delays in starting community sentences. There is currently limited evidence of their effectiveness in reducing reoffending, and on what services and support need to be in place in the community to ensure that as many people as possible who are serving community sentences do not reoffend. In November 2007, the Scottish Government published an action plan to increase the understanding and use of community sentences. The new community justice authorities

are developing performance measures for the community sentences delivered by councils in their areas.

I remind the committee of the work of the Scottish Prisons Commission, which is chaired by former First Minister Henry McLeish. The commission is considering the purpose and impact of imprisonment in Scotland and how that fits with the Scottish Government's wider strategic objectives and it is due to report to ministers in June. I hope that the information in my report may help the commission in its work.

My colleagues and I will endeavour to answer the committee's questions.

**Jim Hume (South of Scotland) (LD):** I have heard it alleged that 70 per cent of crimes are drug related, and that it is easier to get drugs inside prison than outside it. Is there a drug correlation with the fairly large increase in reoffending?

**Mr Black:** We did not consider that issue in any detail. However, we did comment on the high percentage of prisoners in Scotland with drug addiction problems. There is an exhibit in the main report that shows a rapid rise in addiction to certain drugs. Methadone is used extensively to manage drug addiction in Scottish prisons. Since December 2004, the number of methadone prescriptions dispensed in our prisons has increased at a faster rate than the prison population. That in turn is putting pressure on the health care service. There is some high-level information that confirms that there are serious issues there. Phil Grigor, who managed the project, may be able to provide further detail.

**Phil Grigor (Audit Scotland):** Access to rehabilitation activities, including drug treatment programmes, is one of the issues that we highlighted. If the numbers keep going up and staff levels and facilities stay static, access to those activities will be limited, which could impact on the effect of prisons in treating prisoners for their drug addiction, which in turn could affect reoffending.

**Jim Hume:** My concern is that people may be reoffending to get back into the culture in which they can access the drugs. If we keep building more space rather than considering the solution to the problem, we might have a self-perpetuating problem.

**Mr Black:** That point confirms how important it is that the community justice authorities seriously consider the services that are available in the community to support prisoners who are released and prisoners who are on community sentences. There are some interesting projects around in that area. It is important that the community justice authorities understand those and share what seems to work best.

10:15

**Murdo Fraser (Mid Scotland and Fife) (Con):** I will ask about prison capacity, about which you have quite a lot to say in the report. You talk about the problem of overcrowding in prisons. It seems as if we are facing a double whammy. We have to deal with existing overcrowding, but we have the additional problem of a projected increase in the prison population, which will exacerbate the problem because even more places will have to be provided. I see from exhibit 16 on page 31, which has figures about the projected future build, that we are expecting Addiewell to open later this year and the new prison at Bishopbriggs to open in 2011 or 2012. However, the narrative seems to say that, even the new prisons being constructed might not be enough to deal with the problem of overcrowding and the projected rise in numbers. Is that correct?

**Mr Black:** Yes, that is correct. There is a degree of uncertainty over the projections of the prison population to 2016, but there is a risk that there might be insufficient capacity at that time. It will depend on a range of factors, not least the alternatives to prison being operated effectively and the speed with which extra places can be brought into the system.

**Murdo Fraser:** Do you know whether ministers have plans to provide any other places?

**Mr Black:** There are no other plans of which we are aware. I think that it is fair to say that at this point.

**Phil Grigor:** The three new prisons, plus the two house blocks at Polmont and Edinburgh, are the only ones planned to add capacity. They will go a long way to meeting the projected increase in prisoner numbers, but there could be a shortfall, depending on a range of factors.

**The Convener:** Can you clarify that? The minister said that he has commissioned three new prisons. You are saying that two of them are Addiewell and Low Moss.

**Phil Grigor:** There is Addiewell, the new prison at Bishopbriggs on the site of Low Moss, and a new prison in the north-east to replace Peterhead and Aberdeen prisons.

**The Convener:** Yes, but the first two new prisons were planned and put in place before May 2007, so if the minister has commissioned three new prisons, they must be additional to those two, or is the minister mistaken?

**Phil Grigor:** The three prisons that he is talking about are the three that I have mentioned, and they include the two that were planned before May 2007.

**George Foulkes (Lothians) (Lab):** I want to pick up on that point.

**The Convener:** I will just let Murdo Fraser finish his questions.

**Murdo Fraser:** I have a related point, but let George Foulkes pursue his point and then come back to me, convener.

**George Foulkes:** I, too, am confused. Your report says that there will be a further 1,900 places, but I had a parliamentary answer from Kenny MacAskill on 24 April, which is not very long ago, about the number of places and whether new contracts had been provided. He said

"I have asked Mike Ewart, Chief Executive of the Scottish Prison Service to respond. His response is as follows:

There have been no new contracts for the provision of prison places since 3 May 2007, however, the contract with Addiewell Prison Services Ltd signed in June 2006 will provide 700 new prison places and in August 2007 the Scottish Government announced that two new prisons will be built to meet the demand for prison places. These will be privately designed and constructed but publicly operated and will provide over 1,000 prisoner places."—[*Official Report, Written Answers*, 24 April 2008; S3W-11612.]

That comes to only 1,700 new places, not 1,900—that would be inadequate anyway, but 1,700 will be even less adequate. I am not clear about how those places will be funded. Perhaps Mr Black or Mr Grigor can tell me. Under what scheme or arrangement will those two new prisons be funded?

**Phil Grigor:** Our report talks about plans for new prisons. The Addiewell contract has been signed and the prison will open later this year. There are also plans to open a prison at Bishopbriggs, which the SPS says will have 700 places.

**George Foulkes:** How will that prison be funded?

**Phil Grigor:** It will be publicly run but privately built.

**George Foulkes:** But how will it be funded? Where is the money coming from to build it? There has to be money to pay the contractor to build it. Where is that money coming from?

**Phil Grigor:** Money was set aside in this year's budget.

**George Foulkes:** In the capital budget?

**Phil Grigor:** Yes.

**George Foulkes:** So it will be paid for out of the capital budget.

**Phil Grigor:** Yes.

**George Foulkes:** And the second one?

**Phil Grigor:** The SPS is still in the early stages of planning for the prison in the north-east to replace Aberdeen and Peterhead prisons. We assumed that the average size of a new prison

would be 700 places. Mike Ewart seems to estimate that it will be 500 places, so that is where the 200-place gap comes in.

**George Foulkes:** How will that prison be funded?

**Phil Grigor:** In the same way. The Administration announced last year that new prisons would be publicly run, but a decision was to be made on the funding arrangements for building it.

**George Foulkes:** I would be grateful if you could chase up the issue on our behalf, as it is not clear how the prisons will be funded. We are continually told that the so-called Scottish futures trust will fund public buildings, but nothing has been said about it. In fact, when Derek Brownlee asked the First Minister a question about it, it was made clear that it will be a private company, rather than public funding. It would be helpful to us if you could clarify the matter. As Murdo Fraser said, it seems that demand will increase inexorably but there is uncertainty about the funding of prison capacity.

**Mr Black:** As ever, we will help the committee in any way that we can, but it might be quicker and more efficient for the committee to seek that information from the accountable officer.

**George Foulkes:** That is a good idea.

**The Convener:** We will deal with the matter at the end of the meeting.

**Murdo Fraser:** Paragraph 97 of the report mentions the estates review and states:

"Scottish ministers approved the building of only two new prisons as they expected that an increased use of community sentences would reduce the projected prisoner population by 700 places."

The paragraph refers to decisions that were taken in 2002. Has there been such a reduction in the prison population due to community sentencing?

**Phil Grigor:** There has been no reduction in the prison population. Since 2002, the use of community sentences has increased by more than a half, but the assumption that that would limit the increase in prisoner numbers has not been realised. Both figures have gone up.

**Mr Black:** A reasonable conclusion is that, had the number of community sentences not increased significantly, the prison population might be higher than it is now.

**Murdo Fraser:** However, you cannot say whether the figure of 700 has been achieved.

**Angela Cullen (Audit Scotland):** It has not been achieved. In 2002, the prison population was 6,200; it is now 7,700. The number of prisoners has increased by 1,500.

**The Convener:** I want to clarify the point that you are making. Mr Black said that the prison population would be commensurately higher if more people had not been given community sentences. Are we to draw the conclusion that more people are being given prison sentences?

**Angela Cullen:** We must look at the statistics for imprisonment rates and the use of community sentences across the board. Overall, the use of community sentences has increased by about a third. The number of prison sentences has increased by only 2 per cent, but that has affected the size of the prison population by more than that. The use of fines has also increased by about 12 per cent. Judges and sheriffs are using a mixture of sentences, but the 2 per cent increase in the number of prison sentences has resulted in a 20 per cent increase in the size of the prison population.

**Phil Grigor:** The big factor is the use of remand. That is not included in the statistics that Angela Cullen cited, which refer to people who are sentenced to imprisonment in court.

**Sandra White (Glasgow) (SNP):** My question is about prison sentences. Paragraph 17 of the report states:

"the average prisoner population increased by 37 per cent between 1992 and 2006/07,"

although

"there was no overall increase in the level of crime reported".

Did you determine whether the increase in the size of the prison population is the result of certain people committing more crimes or of new legislation specifying imprisonment for certain types of crime, which Hugh Henry mentioned? There is no correlation between the number of people being sent to jail, which is increasing, and the number of crimes, which is decreasing.

**Mr Black:** The report examined only the management of the prison population—it did not look directly at sentencing policy. However, we were able to look at prisoner categories, which are shown in exhibit 3 on page 7. The committee can see that there has been tremendous growth in the number of remand prisoners, a significant rise in the number of short-term prisoners and a big increase in the number of recalled prisoners. Those increases are a consequence, at least in part, of changes in sentencing policy, but we did not consider sentencing policy directly.

**Phil Grigor:** The issue of the increase in prisoner numbers relative to crime rate is a difficult one. Researchers have found no link, either in this country or in other countries, between the two factors. As has been said, the numbers are largely down to sentencing policy and public policy.

**Sandra White:** The report says that the Finnish reforms, which resulted in the imprisonment rate falling from

"around 200 prisoners per 100,000 of the population in the 1960s to around 60 per 100,000 in the 1990s",

were aided by the consensus among politicians and support from the media and sentencers. What help did the media and the sentencers give the Government? Was a group set up in which everyone could speak?

**Phil Grigor:** I am not sure that it was a formal coming-together. The approach was much more consensual than the adversarial approach that can exist here. The way in which the Finnish politicians, sentencers, media and public came together behind the aim of reducing the prison population by using more community sentences, changing legislation and finding alternative ways of using prison was almost unique. The commission might pick up on that when it examines what happened in Finland.

**The Convener:** Earlier, you were talking about the huge increase in the number of prisoners on remand. The situation is exacerbated by the increase in the number of recalled prisoners, which represents by far the biggest increase, in percentage terms, although not in numerical terms. Did you determine how many of those remand prisoners are ultimately given a jail sentence?

**Phil Grigor:** We did not do systematic work on that, but I think that it is about 50 per cent of the total.

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** Although the various funding models are of interest to the committee and the Parliament, the public will be concerned about the high degree of reoffending, with two thirds of those who are released being reconvicted within two years. I am interested in that and in the work that might be going on to tackle reoffending.

One of the clearest messages that I got from meeting staff at Bowhouse in Kilmarnock and the south-west Scotland CJA was about the importance that the families place on maintaining high levels of contact with their partners or husbands while they are in prison. I was particularly struck by the fact, which is mentioned on page 20, that inmates in Kilmarnock are offered up to 10 hours of contact a month with their families but that—because of staff shortages, I think—inmates in Barlinnie are offered only two hours of contact a month with their families. It is worrying that there is such a variance in contact time. I am certain that, if the CJAs are working on the issue, something positive will come out of their report in due course.

One of the key issues for the Prison Service is to reduce reoffending, and I think that the issue that I have mentioned might be the key to it. Do you have anything further to say about that?

**Mr Black:** The Prison Service recognises that it is important to consider the whole system in order to manage prisoner release back into the community effectively. The Prison Service has made a commitment to that.

As we mentioned in the report, despite the pressures that are building up in the system, there is a sustained commitment to rehabilitation activities for prisoners.

We would absolutely agree with Mr Coffey's point about the key role that the community justice authorities have to play in this effort. I hope that the analysis in our report will be of value to them and will help them get their minds round some of the issues, and to the Scottish Prisons Commission, as it formulates its policy. The issues that are involved in this area are of prison policy rather than being ones that we could address in this report.

**Willie Coffey:** As a new member of the Parliament, I was surprised to discover that the importance of maintaining or increasing family contact with prisoners has not seriously been considered or studied. I am a bit worried that it will be difficult to track the effect on family contact of moving high numbers of prisoners around Scottish prisons. I presume that it would be difficult to maintain family contact for prisoners who are moved, say, from Kilmarnock to Peterhead. I hope that that kind of issue remains uppermost in the minds of those in the SPS who are considering how to reduce reoffending.

10:30

**Mr Black:** We share that concern. We comment in part of the report on not only the issue of family contact but the growing extent to which prisoners are moved between prisons as part of managing the overcrowding. For example, it must be much more difficult to maintain a family support network for prisoners who are moved from Inverness down to the central belt than should be the case.

**Charlie Gordon:** I am trying to get my head round the remand increase variable. You are obviously worried about the projections and about whether the planned increases in capacity will be sufficient. Of course, increased use of alternative-to-custody disposals does not address the problem of remand because the court takes a view on remand before conviction and subsequent sentencing. How can the authorities get a handle on the remand trend, which I presume partly reflects public concerns about whether people who are accused of serious and violent crimes should be at liberty pending their conviction?

**Mr Black:** That is an extremely important question, but it is essentially for those who are in charge of sentencing policy. I am not sure whether we can help.

**Phil Grigor:** We spoke to the statisticians who do the projections for the Government and the SPS, who told us that they include remand as a factor and consider past sentencing trends and project them. It is difficult to say what the trend will be from now on because sentencers are independent and must consider issues such as the offence, the offender, his or her history and public safety. The media culture obviously has an effect, too.

**Charlie Gordon:** It may be prudent to assume that the trend for increased use of remand will continue.

**Phil Grigor:** It could be, but we cannot say for sure.

**Charlie Gordon:** If we do not make that assumption, we could in the future get caught out through having inadequate capacity.

**Phil Grigor:** That is possible.

**Andrew Welsh (Angus) (SNP):** Your report is alarming in its description of what is happening in the Scottish Prison Service. Superficially, it appears that we should build more prisons, but there has been no increase in numbers of long-term prisoners, so surely the focus should be on short-term prisoners, two thirds of whom are reconvicted within a year of release. In fact, the reconviction rates show that there is a failure to address the problem of reoffending. The real focus must be on how to deal with short-term prisoners. Is that an accurate assessment?

**Mr Black:** That is one of the most significant issues to come out of the report.

**Andrew Welsh:** It is clear that, in order to deal with overcrowded prisons, short-term measures such as the use of temporary accommodation are adopted. However, £280 million has been spent in the past six years to improve conditions rather than to increase the number of available prisoner places. That leads me to ask what prisons are for. That fundamental philosophical question must be addressed. Further, given that we may be asking too much of the prison service, do community sentences work? We have a complex situation involving the courts, sentencing policy and so on. We are considering the symptoms, which are pretty bad. Is that reasonably accurate?

**Angela Cullen:** Yes. The Scottish Prisons Commission, which Henry McLeish leads, is considering the question of what prisons are for and its report should give us an answer to that question.

**Andrew Welsh:** I hope that the report answers it, and that the people in charge of the system respond to that.

**The Convener:** Another issue that we could consider—before or after the McLeish report is published, depending on the committee's work—is how effective the community justice authorities are in rehabilitating prisoners and addressing their offending behaviour. We need at some point to look back to see how well those bodies are doing in order to contribute to a debate about the future. We can return to the issue later in the meeting.

**Andrew Welsh:** We are talking about prisons, but the problem is a wider societal one.

**Sandra White:** I want to ask about community service and alternative sentences. The Equal Opportunities Committee, of which I am a member, received a report that says that it is difficult for women to undertake alternative forms of sentence, such as community service, because such sentences are geared towards male offenders. Sometimes there is one woman among five or six men doing community service, which makes it harder for the woman. I do not see anything about that in the Audit Scotland report. Did you consider that aspect?

**Mr Black:** No, we did not. Our study looked at management of prisoner numbers in prisons. Do we have any information on the issue that Sandra White raises?

**Phil Grigor:** We did not look at the breakdown across community sentences. We could do that in the future when we come to look at reoffending, for example. The study was an overview of the situation with the use of prisons and spending and evidence about effectiveness. We did not drill down into particular groups.

**Sandra White:** There has been a 70 per cent increase in female prisoners, but prison services seem to be geared more towards men than women. Perhaps the committee could consider that in the future.

**Mr Black:** I am sure that Sandra White is aware that one striking feature of women prisoners is that a high proportion of them have mental health problems and drug addictions, which makes it particularly challenging to develop packages of activity that can support them in getting back into the community.

**George Foulkes:** I agree with Sandra White, who has put her finger on the problem. Andrew McLellan has paid 44 visits to prisons in the past year. He must get very frustrated, because he makes recommendations, but nothing gets done.

I refer to paragraph 119 on page 36 of the report, which sets out costs. In 2004-05, a six-month prison sentence cost nearly £16,000—it

must be more than that by now. You could send offenders to Fettes for less than that, although I do not know whether it would do much good. They could become Prime Minister—I had not thought of that. It is an astonishing cost. The Auditor General's main purpose is to consider value for money. Given the cost of the orders, there must be an argument for following the Finnish example—if only we could persuade *The Sun* and the *Daily Record* to stop printing statements such as “Cage this vicious thug” all the time, which is why we end up with so many in prison. Instead of caging a vicious thug, perhaps it would be better to provide him with training for work.

**The Convener:** I think that it is beyond the remit of the Auditor General to comment on that.

**George Foulkes:** The Auditor General has not considered the effect on prison officers. I received an answer to a parliamentary question that showed that 40,000 working days were lost in prisons last year—that is an average of 10 working days per prison officer. I am not saying that they are just swinging the lead—the pressure on prison officers from overcrowding and being asked to perform impossible tasks must be very great. Did the inquiry examine that?

**Mr Black:** I will help the committee by responding to both Lord Foulkes's points. On costs, it is difficult to provide a simple overall answer to the value-for-money question. However, there is no doubt that the significant investment that has been made in the prison estate has markedly improved the quality of the prisons where that investment was made. Andrew McLellan commented on the improvement in conditions as a result of that investment.

The Scottish Prison Service has delivered efficiency savings. It had money taken out of its budget a few years ago. As we comment in the report, there has not been a significant real-terms increase in resources for the Scottish Prison Service during the period of increase in prisoner numbers. The result is that the number of prisoners per prison officer is noticeably higher now than it was a few years ago. We also comment on the evidence that, generally speaking, prisoners consider that they have good relationships with prison staff. There are positive aspects.

Phil Grigor has considered the relationship between overcrowding and sickness absence, so I ask him to answer George Foulkes's second question.

**Phil Grigor:** We have tried to pick up on that in our visits to prisons: we asked various staff about the effects of prisoner numbers on staff absences. It is an issue, but other factors also come into play, such as the type of prisoner whom officers look

after: for example, Cornton Vale has a demanding population and Polmont has volatile, high-maintenance young offenders. Other factors include local management practices and human resources functions, which vary. Prisoner numbers are an issue, but we did not find it to be significant. We carried out a mapping exercise of overcrowding levels at individual prisons against staff absence rates and found no relationship between the two. Overcrowding could be a factor, but we did not find it to be the only one.

**George Foulkes:** That is interesting. The figures bear out what you say, as Cornton Vale and Glenochil had the highest sickness levels.

**Phil Grigor:** Yes. Polmont and Cornton Vale are not among the most overcrowded, so they do not show the relationship.

**The Convener:** I thank the Audit Scotland team for contributing to the discussion.

## “Overview of Scotland’s health and NHS performance in 2006/07”

10:41

**The Convener:** We move to agenda item 4. We have a letter from Kevin Woods in response to questions that the committee asked. I put on record the significant commitment that Kevin Woods gave when he gave evidence to the committee on 12 March. He said:

“I can advise the committee that, in addition, we intend to publish a new annual report on the NHS in Scotland during 2008. It will set out an assessment of overall performance in a concise and accessible way. The report will draw together data on boards’ performance against all HEAT targets, and it will provide information on progress, related developments, costs, output and quality in a publicly accessible form.”—[*Official Report, Audit Committee*, 12 March 2008; c 449.]

That is a huge commitment and we should commend Kevin Woods for giving it. I suggest that we write to him to acknowledge and welcome the commitment to report annually in a new format, because that will hugely assist Parliament and others in examining the health department’s work. Do members have questions or comments?

**Sandra White:** The answer to our question on why drug-related deaths increased dramatically between 2005 and 2006 is that there was a higher rate of deaths among people aged 35 to 54, and more of those who died were male—81 per cent—and in general poor health. I would like more information on that. Is it because those people were users for longer? Unfortunately, we expect that someone who has been a user since they were 16 will, by the time that they get into the 35-54 age group, be in poor health and more likely to die. Are there more statistics on that? Young people of 16, 18 or 20 can take the wrong type of drug and die, too. I wonder about the significance of the age group. I note that a research project is to be carried out on users aged from 35 to 70.

**Mr Black:** I am not sure that we can comment on that. I ask Nick Hex whether he has any thoughts.

**Nick Hex (Audit Scotland):** Kevin Woods provided the annual report of the national forum on drug-related deaths in Scotland. That report gives further detail on what is being done to examine those issues. As Sandra White said, the letter does not make it clear what the factors are. We are undertaking work on drugs and alcohol issues, on which we will not report until next year.

**The Convener:** I hope that the research project, which will start in 2008 and will look at the 35 to 70 age group by gender, will help matters.

**Willie Coffey:** Dr Woods states at the foot of the second page of his letter that we will ensure that “children affected by parental substance misuse are safer”.

An increasing number of grans and granddads who come to me are in charge of children whose parents are substance abusers. They tell me that they do not feel supported, mainly financially, to look after the children. Although they are delighted and happy to carry out the duty, they do not feel that they get support. I would be interested in picking up on the issue, if it comes to us, of how we deliver support to aunties, uncles, grans and granddads who discharge that duty.

**The Convener:** That may well be a matter for another committee. Does the Auditor General have any comment on that?

**Mr Black:** No.

**The Convener:** Do we agree to note the response?

**Members indicated agreement.**

## “Dealing with offending by young people”

10:46

**The Convener:** We move to item 5. We have had a letter from the minister, Fergus Ewing, in response to our questions. Does any member have comments or questions?

**Andrew Welsh:** This seems to be a work in progress. It is necessary to agree measures and monitor results. What stands out is the distribution of moneys that have been obtained under the Proceeds of Crime Act 2002. It is positive that, through a partnership agreement with the Scottish Football Association, the Government is giving £2.2 million for a range of football activities throughout the country and HBOS is providing matched funding. Having seen midnight football leagues, I can only commend them. I have seen the positive effect that the police and such organisations have when they work with young folk. The minister's letter also mentions the £3 million grant scheme for youth projects, which is being administered by YouthLink.

**The Convener:** Those are commendable initiatives. The previous paragraph in the letter states, with reference to the use of the money, that

“The initiatives provided are to be open to all children and young people, with a focus on areas of high crime.”

It might be worth getting further information on how that is being done and how much money is being focused on such areas.

**George Foulkes:** Page 2 of the letter refers to the historic concordat. It indicates that local authorities now have responsibility for allocating financial resources. It would be useful to know what mechanism exists for monitoring their expenditure in youth offending. We had many questions on the issue when we took evidence because it is not clear how the central Government department will check whether each authority is fulfilling the requirements to meet the national guidelines. It would be useful to get more detail.

**The Convener:** Okay. We can get back to the minister on that.

**Murdo Fraser:** That issue is covered in the final section of the letter, “Managing and monitoring performance”.

**George Foulkes:** Where is that?

**Murdo Fraser:** The minister covers some of those points at the bottom of page 2 and the top of page 3.

**The Convener:** I am intrigued by one further issue on the concordat. Towards the end of the letter the minister states:

“The Government does not plan to introduce any new targets to replace the former persistent young offender target as this would not be in keeping with the spirit of the Concordat.”

I know that Murdo Fraser pressed the minister on that. I find it astonishing that there is no longer a persistent young offender target.

**George Foulkes:** I do not know whether Murdo Fraser was on paternity leave when we had the evidence session, but we asked questions on the issue because no specific indicator or target referred to youth offending. We were concerned that, because there was no indicator or target, it would not be measurable. It would therefore be useful to ask how the Government will measure it.

**The Convener:** Does anyone from Audit Scotland want to comment on that, before I bring in Sandra White?

**Mark Diffley (Audit Scotland):** It might be worth mentioning that the Government is developing a new youth offending framework. It will be launched in June this year, I believe.

**The Convener:** That framework will not include a target on persistent young offenders.

**Mark Diffley:** That is unclear because the framework is a work in progress.

**George Foulkes:** It would be useful to check with the relevant department to find out what is happening.

**Sandra White:** I was going to mention the refreshed youth justice strategy, which it seems will deal with some of the issues that George Foulkes has raised. Mark Diffley said that the framework will be published in June. I was going to ask about that, because no date is mentioned in Fergus Ewing's letter.

The final page of the minister's letter mentions single outcome agreements, which it says

“Local areas are currently in the process of negotiating”

with the Scottish Government. Are all local authorities negotiating single outcome agreements or are only some doing so? That would answer many of the questions that have been asked about targets on priorities and needs.

**Mr Black:** It is our understanding that all councils have made submissions to the Scottish Government, which are being considered.

**Murdo Fraser:** I return to George Foulkes's point about the target on persistent young offenders, which I pursued with Fergus Ewing when he appeared before the committee. If I recall correctly, he said that the Government had

decided, for whatever reason, not to keep that target. It is a policy matter for Government to decide whether a target is appropriate, but it is important that we continue to measure the number of persistent young offenders, regardless of whether there is such a target, and that that information be made available.

The second paragraph on page 3 of the minister's letter says that a local authority that has a single outcome agreement

"will be required to publish an annual report on its performance in meeting the agreed outcomes."

It might be useful for us to ask whether part of that report will include a statement of how many persistent young offenders there are so that the option of tracking that figure year to year will be open to us.

**The Convener:** Do any of the Audit Scotland representatives have comments?

**Mr Black:** We have no comments.

**The Convener:** We can follow up some of those specific questions.

## **"Police call management— An initial review"**

10:53

**The Convener:** Item 6 is consideration of the full reply from Robert Gordon on the police call management report. Do members have any questions or comments?

**Jim Hume:** I declare an interest—I am on the Lothian and Borders Police board.

**Willie Coffey:** My question is about police response times for non-emergency calls and relates to response 7, which is about three pages from the end of the reply—the pages are not numbered. It is stated that the Government intends

"to include measures for non-emergency calls in the 2009/10"

version of the "Scottish Policing Performance Framework". That is fine, but I remember saying that it would be good to get some information—perhaps broken down by force—a bit sooner so that the public can find out about police response times to non-emergencies, which are certainly a big issue in my community. Is any work being done to obtain such information a bit more quickly? If national information cannot be provided until 2009-10, perhaps information on local forces' response times could be provided before then.

**Mr Black:** I ask Miranda Alcock whether we have any information on that.

**Miranda Alcock (Audit Scotland):** I am not aware that any force will report such information this year. Each force would have to be asked for it by the joint board or the relevant local authority committee.

There is an issue around achieving a consistent approach to call grading and determining what constitutes a non-emergency response, and work is being done at the moment to try to develop a consistent approach to grading non-emergency calls. The top priority is clear, but what we are trying to measure are the other priorities. Although the police now have data that allow them to know when, following a call, officers arrive at an incident, it is a question of how the call originally came in and how it was graded, so there is still some systems work to be done. Although the police are monitoring the matter, they still need to work out exactly what the response times constitute.

If you are asking about individual forces, it would be up to local police boards or local authority committees to investigate that in more detail.

**Willie Coffey:** Convener, we might want to press that button a wee bit more firmly, so that we can provide the public with statistics on how long it takes the police to respond to non-emergency situations in the community. I am constantly approached about that issue by people in my constituency, but we do not have a handle on it at all. I would like to move the matter along with a bit more pace.

**Murdo Fraser:** When the committee considered the review, there was quite a lot of interest from members in a single non-emergency number. That issue is covered in pages 2 and 3 of Robert Gordon's reply. There is a lot in his response about the 101 number, but that is not the same point, because that number is for people who want to report antisocial behaviour and matters of community safety. We felt that there was a lot of merit in having a separate three-digit number for general police contact, which would take a lot of pressure off the 999 system.

Robert Gordon's reply on that is interesting. He says that, although there are merits in the proposal, it cannot be set up in Scotland alone because the Office of Communications says that it would only work across the United Kingdom. Given that the Scottish ministers are always telling us how anxious they are to engage with their counterparts down south, perhaps we could encourage Kenny MacAskill to speak kindly to the Home Secretary—or justice secretary, or whatever she is called now—in Westminster. There is a serious issue, and if it needs to be tackled across the UK, that is exactly the sort of positive step that we could take in Scotland to try to push it forward.

**George Foulkes:** I strongly support that suggestion. As I remember the evidence, it was not the most dynamic that the committee has ever received—lethargic was the word that I was going to use, but I think that I had better not. That also comes through in the reply, which explains why the Scottish Government cannot introduce a separate number rather than picking up on the potential. Albeit that I am not the greatest fan of the minister concerned, he is a bit more energetic than his officials. We should try what Murdo Fraser proposes. It would be really good.

The statistics show that 87 per cent of calls to the police are non-emergency calls. If we could establish a UK non-emergency number, we could get those calls rerouted to the appropriate department. With modern technology advancing so quickly, it must be possible to do that. I know some people down in the other part of the United Kingdom and could encourage them to get involved.

Jacqui Smith is still the Home Secretary; the justice secretary has different responsibilities.

**The Convener:** We can ask the minister about potential progress.

**Andrew Welsh:** My problem is that, throughout, the response gives us reasons, as George Foulkes has just said, for not doing something because of the various complexities involved.

Robert Gordon admits:

"The bulk of calls (87%) received by police are non-999 calls and ... only between 29% and 51% of 999 calls are actually emergencies."

My spirits rose when I read what the response goes on to say:

"So improving handling of the majority of calls received by the police is desirable and the setting up of a SNEN has attractions."

However, the next paragraph goes completely the other way and gives reasons for not doing that, stating that:

"an effective SNEN would need to involve many agencies beyond the 8 Scottish police forces. It would need to link into the systems of 32 local authorities"

and the various other agencies that the response mentions.

11:00

What does Robert Gordon mean by the term "link into"? He is really saying that, because we have so many non-linked emergency services, introducing a single non-emergency number in Scotland is simply not possible. Of course, the lack of links between many services is the whole problem. Why are the services not intercontactable? Surely providing staff to connect some of them up would be an important first step. After all, once a start is made, it can be extended.

What bothers me is that no action will be taken because of the belief that all the services cannot be linked up. However, the response has got it the wrong way round. It is coming at the issue from the point of view of the authorities and their problems instead of considering it from the perspective of ordinary law-abiding citizens who, when they find themselves victims of crime and try to contact the appropriate authority either to get something done or simply to alert someone, find that they cannot do so.

As I said, my spirits were raised initially, but then dashed. The message is that, because the whole issue is so complex, nothing much can be done. However, the general public wants something to be done, and a start should be made. The Government is looking at the issue the wrong way round.

**The Convener:** Certainly the committee's general view is that we should follow up the issues raised in the review.

**Sandra White:** I agree whole-heartedly with everything that has been said. I would have thought that Scotland was an ideal size for rolling out a pilot project.

I was substituting on the committee when the matter was first raised and I am pleased that it has been taken further. The very full description of the work of the Association of Chief Police Officers in Scotland contained in Robert Gordon's letter certainly gives me more insight into what it does. It appears that that independent body carries out some of the same work as is carried out by chief constables, who are represented by ACPOS as well as having their own group that advises the Government. I am not saying that we do not need ACPOS, but I am concerned about duplicity—I am sorry; I realise that that is not the right word. The question, in any case, is whether we really need ACPOS to be doing the work of chief constables. Who are ACPOS's board of directors and how are they appointed?

**The Convener:** Before you answer that, Auditor General, I wonder whether you can also address a broader issue. Given that it comprises all the chief constables, has ready access to ministers and influences policy and legislation as they go through the Parliament, ACPOS is potentially one of the most influential police bodies in Scotland. Its views are listened to in debates on the allocation of funding and the deployment of resources. However, it is also a company limited by guarantee and is led by a board of directors and its membership. That brings me back to Sandra White's questions. To whom is it accountable? How do we hold ACPOS to account for its role in policing in Scotland? How do we follow the public pound in its use of money and allocation of resources?

The set-up is strange. I do not dispute for a moment the need for a body that brings together chief constables but we, on behalf of the Parliament and the general public, are trying to hold organisations to account for how they use resources. We know that chief constables are ostensibly held to account through the boards, but the same cannot be said for ACPOS. Will you comment on that wider issue as well as on Sandra White's specific comments?

**Mr Black:** In our report, we commented on the fact that the role played by ACPOS seemed to be critical to policing strategy in Scotland. The creation of ACPOS as a company limited by guarantee is a comparatively recent development, but at the time of the review we were not entirely clear about how it fitted into the overall accountability framework for policing in Scotland. That point was made in our report. The response from Robert Gordon is helpful in that it describes

more fully than we have seen anywhere else the role that ACPOS is now playing more formally.

I do not recall seeing a reference to a memorandum of understanding between the Scottish Government and ACPOS before reading the letter. That is useful information for us to have. At the very least, we would suggest that the new arrangements require time to bed down, but there are concerns about Parliament being wholly assured about the accountability framework that is now operating.

As members will fully appreciate, Audit Scotland does not audit companies. Neither the Accounts Commission nor the Auditor General has direct powers to commission such an audit. Therefore, there are issues that we need to monitor through our work on the Scottish Government and the audit of police boards and authorities.

**The Convener:** That is an interesting point. If you cannot monitor such a private company, who does? We are now operating on the basis of a memorandum of understanding that will set out agreed strategic directions for policing in Scotland, which is significant. The letter says that ACPOS

"will publish a strategic plan each year"

and

"will address recommendations made in HMIC reports that are directed to ACPOS."

That means that HM inspectorate of constabulary reports will be directed to a private company, which has significant implications. If Audit Scotland is unable to examine those issues, perhaps we need to ask some further questions on behalf of the Parliament.

**Sandra White:** As I said earlier, this is the first I have known about exactly what goes on. Mr Black mentioned the role that ACPOS is now playing, and you used the word "now", convener. Did ACPOS always play its current role, or is it only now that it is much more open and transparent—if not accountable? It is not a member of the tripartite arrangement, which is monitored by the Scottish ministers. It is a private company, but if it is receiving any public funds, surely it must be accountable to the public.

My other question was about how people are appointed to the board of directors.

**Mr Black:** This is a developing area, and those are pertinent questions that could best be answered by the accountable officer.

**The Convener:** Okay, there is further work to be done on this area.

## Annual Report

11:08

*Meeting continued in private until 11:25.*

11:08

**The Convener:** We move on to item 7. A copy of the draft annual report has been circulated to members. It seems that we have no comments, so I ask members to agree to the draft.

**George Foulkes:** Just because there are no comments, it does not mean that the annual report is not important. It means that Tracey Reilly and her colleagues have produced a very good report.

**The Convener:** We all endorse that.

We now move to item 8, which we have agreed to take in private.

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