

JUSTICE 1 COMMITTEE

Tuesday 23 October 2001
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE

† 27th Meeting 2001, Session 1

CONVENER

*Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

*Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE MEMBERS

*Lord James Douglas-Hamilton (Lothians) (Con)
*Donald Gorrie (Central Scotland) (Liberal Democrats)
*Maureen Macmillan (Highlands and Islands) (Lab)
*Paul Martin (Glasgow Springburn) (Lab)
*Michael Matheson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Stewart Stevenson (Banff and Buchan) (SNP)

WITNESSES

Tony Cameron (Scottish Prison Service)
Mike Duffy (Scottish Prison Service)
Andy Hogg (Scottish Prison Service)
Derek Turner (Prison Officers Association Scotland)

CLERK TO THE COMMITTEE

Lynn Tullis

SENIOR ASSISTANT CLERK

Alison Taylor

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

The Chamber

† 26th Meeting 2001, Session 1—joint meeting with Justice 2 Committee.

Scottish Parliament

Justice 1 Committee

Tuesday 23 October 2001

(Afternoon)

[THE DEPUTY CONVENER *opened the meeting at 14:19*]

Item in Private

The Deputy Convener (Gordon Jackson): I call the committee to order. The convener is not here at the moment, but will join us shortly. Stewart Stevenson is joining us today and will take part in the meeting later.

Agenda item 1 is to consider whether to take item 6 in private. I think that we will issue a press release about that item after the meeting closes, so we are not dealing with the item secretly. Is that agreed?

Members *indicated agreement.*

Petition

Scotland Against Crooked Lawyers (PE361)

The Deputy Convener: Agenda item 2 is consideration of petition PE361, from Scotland Against Crooked Lawyers. I assume that members have had sight of the petition. We have two alternatives. We could simply close our consideration of the petition, or we could confirm to the petitioners that, as they know, we are conducting an inquiry into the regulation of the legal profession and their position and comments will be taken into account. The latter option is perhaps better. Do members agree that that would be the better approach?

Members *indicated agreement.*

Subordinate Legislation

Criminal Legal Aid (Scotland) Amendment Regulations 2001 (SSI 2201/306)

The Deputy Convener: There are three negative instruments to be considered under agenda item 3. As I understand it, unless a member initiates a debate on a negative instrument, the instrument will simply go through after a certain period of time. The first instrument is the Criminal Legal Aid (Scotland) Amendment Regulations 2001. Members should have a paper on that but, to refresh the memory of those who have forgotten, the instrument concerns the new drugs courts and the need to amend legal aid regulations so that legal aid will be available to those courts in the form that the working party recommended. Does any member want to comment, or are members prepared simply to note the instrument?

Michael Matheson (Central Scotland) (SNP): The accompanying notes highlight the fact that there does not appear to have been any consultation on the instruments. Consultation would have allowed us to get guidance from those who will be on the receiving end of what is to be implemented. For example, I am not sure whether the amount that is specified in the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2001 is appropriate. Consultation would have allowed interested parties to highlight concerns about the proposed amounts.

The Deputy Convener: I take that point on board. As I understand it, the regulations came into being, to some extent, as a response to the working party that dealt with the drugs courts. I am pretty sure that the working party would have taken all those interests into account.

I take it that, apart from putting that point on the record, members are content to note the Criminal Legal Aid (Scotland) Amendment Regulations 2001. Is that correct?

Members *indicated agreement.*

Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2001 (SSI 2001/307)

The Deputy Convener: The second instrument is the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2001. I think that that is the instrument that Michael Matheson referred to. Are members content simply to note the instrument at this stage?

Members *indicated agreement.*

Parole Board (Scotland) Rules 2001 (SSI 2001/315)

The Deputy Convener: The third instrument is the Parole Board (Scotland) Rules 2001. Members will realise that the rules are being brought into force to deal with changes to the composition and work of the Parole Board. Do members have any comments?

Lord James Douglas-Hamilton (Lothians) (Con): One comment in the accompanying notes says that there should have been wider consultation, but it appears that that point has been acted on since then and that there has been adequate consultation. Is that your understanding?

The Deputy Convener: That is my understanding. The other matter that members will have noted is that the Subordinate Legislation Committee—of which, for my sins, I am also a member—raised a whole range of issues with the Executive. We have a copy of that committee's comments.

The number of drafting mistakes in the instrument was, to put it mildly, not entirely satisfactory. On at least four occasions, the Executive said, "We have made a mistake and we will try to correct it in future." It is important to note the Executive's comments, although I do not think that the mistakes or difficulties contain anything that would justify an attempt by us to annul the instrument. However, members should note that a range of errors was made when the instrument was drawn up.

Maureen Macmillan (Highlands and Islands) (Lab): What is the process by which such faults are rectified?

The Deputy Convener: On one view, the faults are comparatively minor. For example, the Executive did not put footnotes where it should have done and, on another occasion, it referred to the wrong section. I do not think that the faults can be rectified at this stage—if they were major, the Executive would be required to redo the regulations. However, as the faults were minor, they will be corrected the next time that the regulations are issued or consolidated.

It is for members to decide, but I do not think that the errors will affect the day-to-day working of the rules. However, I thought that it was fair to mention to members how many mistakes were made, bearing in mind the fact that the Subordinate Legislation Committee passed that information to us. My view is simply that it is appropriate for us to note the work that has been done by the Subordinate Legislation Committee.

Donald Gorrie (Central Scotland) (LD): As a layman, the most significant point seemed to me to be that raised in paragraph 24 of the

Subordinate Legislation Committee's report, which refers to the

"failure to include an obligation on the Board to give reasons for a refusal to permit representation".

The previous paragraphs indicate that such a situation has never arisen, but that seemed to be an issue of principle, or certainly of importance. That may not be sufficient to cause the committee to annul the instrument, but perhaps we could say that, as a matter of principle, the Executive and all public bodies should always give reasons for their actions. That is an important point.

The Deputy Convener: Wearing my Subordinate Legislation Committee hat, I think that members of that committee would all agree with Donald Gorrie's point. We felt that, as a matter of principle, it was a mistake not to include such an obligation in the instrument. However, we were told that, in practice, tribunals always give reasons. We were also told that the Executive would discuss the giving of reasons with the Parole Board, and I presume that the sub-text is that, as a matter of practice, tribunals will always give reasons. We took the view that annulling the instrument would have been a bit draconian. For my part, I record that I agree with Donald Gorrie that the Executive should have included the giving of reasons in the body of the instrument.

Apart from that point, can I assume that the committee agrees simply to note the instrument and that we hope that others will note our comments?

Members indicated agreement.

Fur Farming (Prohibition) (Scotland) Bill

The Deputy Convener: I am delighted that the convener has arrived to deal with fur farming et al.

The Convener (Christine Grahame): I refer members to paper J1/01/27/5, which is a note on the Fur Farming (Prohibition) (Scotland) Bill. The bill is likely to be referred to the Rural Development Committee as the lead committee and, because of the central role that has been given to the creation of offences in the bill, to the Justice 1 Committee and the Justice 2 Committee as secondary committees. I invite members to consider whether they wish to examine the bill at stage 1 and to report to the Rural Development Committee, with a likely reporting date of late November.

As I have just come from a meeting of the Parliamentary Bureau, it would be appropriate for me to add at this point that the Justice 2 Committee will deal with the land reform bill and that the Justice 1 Committee will deal with the Freedom of Information (Scotland) Bill. We have negotiated a deferred date of around mid-January for our stage 1 report on the Freedom of Information (Scotland) Bill. I offer that information by way of background, so that members know about our work load when they consider whether we should examine the Fur Farming (Prohibition) (Scotland) Bill. I ask members for their views on whether they wish to examine and report on that bill at stage 1.

Gordon Jackson (Glasgow Govan) (Lab): I could live without it.

The Convener: Does any member think that we must comment?

Maureen Macmillan: Have we got enough time? How long would it take?

The Convener: I do not know whether there would be any benefit in the committee considering the bill. Perhaps it would be better if the Rural Development Committee dealt with it. That is my view, but I solicit others' views.

Gordon Jackson: I agree with you, convener.

The Convener: Gordon Jackson agrees—I do not know whether that is good. The consensus seems to be that we should leave the matter to the Rural Development Committee, which is the lead committee.

Members indicated agreement.

Prisons

The Convener: Agenda item 4 is prisons, a subject to which we keep returning. I welcome Andy Hogg, who is secretary to the Scottish Prison Service on the trade union side, and Derek Turner, who is assistant secretary to the Prison Officers Association Scotland. The committee has a written submission from the Prison Officers Association Scotland. I understand that Mr Turner would like to make a short opening statement.

Derek Turner (Prison Officers Association Scotland): I do not want to say much, because I want to give members the opportunity to ask questions. I thank the committee for inviting us.

I have brought with me papers that I received this morning on reports on private prisons in England. The papers are relevant because they include cost comparisons between the public and private sectors. I will leave the papers for the committee to consider at its leisure, if that is all right.

14:30

The Convener: We will circulate the papers later. I think that Premier Prison Services Ltd will give evidence to the committee next week on Kilmarnock prison, and the papers will be useful as background to private prisons. I would be grateful if you could hand them to the clerk after the meeting.

Derek Turner: I do not wish to say any more at the moment, convener.

The Convener: Members may therefore ask questions. We have about an hour in which to hear evidence from Andy Hogg and Derek Turner, and from Tony Cameron. Members are desperate to ask questions, but I must limit them to three questions at a time, not including supplementary questions. Members may ask three short questions to each witness at first bite. There may be time for further questions later.

Stewart Stevenson, Michael Matheson, Lord James Douglas-Hamilton, Donald Gorrie and Maureen Macmillan have indicated that they want to ask questions. Stewart Stevenson is a visitor, but I will extend the courtesy to him that he may ask the first question.

Stewart Stevenson (Banff and Buchan) (SNP): Thank you, convener.

I read with interest the submission that was made by the Prison Officers Association Scotland and I have two questions. First, will you expand on the contribution that Peterhead prison makes to the criminal justice system as a whole?

Secondly, what do you think of the interesting piece on Radio Scotland yesterday, in which it was suggested that recidivism among sex offenders who receive no specific treatment is in excess of 60 per cent, but that recidivism among those whose behaviour is modified by programmes such as that operated at Peterhead falls to the 15 to 20 per cent range?

Derek Turner: Since Peterhead became a prison for vulnerable prisoners and the STOP programme began, the prison has been considered as probably one of the top three prisons in the world for challenging such offending behaviour—that contributes greatly to the justice system. We are using a specific programme in a dedicated prison and that allows all efforts to be made to address offending behaviour and sex offenders. That is a valuable contribution for the people of Scotland. The programme is worth while if we can prevent one person from reoffending.

The 60 per cent figure that Stewart Stevenson mentioned reinforces the fact that such programmes must be run. The programme at Peterhead in particular can be seen only as a success and we should continue with it for as long as possible.

Michael Matheson: Your submission states:

“Kilmarnock is a warehouse that holds prisoners and seems to provoke a drugs culture without providing a means of help or assistance.”

That is quite a strong statement of what you believe is the ethos in Kilmarnock prison. Could you expand on your views of what is happening in Kilmarnock and the issues surrounding private prisons?

Derek Turner: Our views on Kilmarnock are quite clear. We worry about the working conditions for staff in Kilmarnock. We appreciate that the staff are doing a difficult job, given the staffing levels that exist. We have gone on the evidence that we have gathered from speaking to staff in Kilmarnock. We feel that there are insufficient staff to do the job in a safe environment.

As far as the warehousing situation is concerned, we do not believe that Kilmarnock is producing the same programmes to address offender behaviour that we have to produce in the public sector. A whole host of programmes is carried out in the public sector, such as cognitive skills training and anger management training. We do not believe that Kilmarnock is meeting those targets at Bowhouse.

On the drugs culture, the chief inspector's report on Kilmarnock was clear. One of the telling points in the report was that drugs were not a problem in Kilmarnock because the prisoners are getting plenty of them. If you read the report closely, and from a practitioner's point of view, it seems to say

that there is an underlying culture of drugs in Kilmarnock and that is not being addressed.

Michael Matheson: You have highlighted staffing matters such as difficult working conditions and insufficient staff. Staff themselves have raised those matters. Does that reflect the fact that running a contract is not like running a prison? That term was used by a manager in Kilmarnock prison. Does that mean that we need to cut back on treatment programmes and staff?

Derek Turner: I am only reporting the things that have been said to us. It is difficult to get any real information because of the secrecy that surrounds Kilmarnock. We heard of instances such as one of our branch officials visiting Kilmarnock prison, walking into a hall in the prison and being unable to find any members of staff. He had to ask a prisoner where the staff were and was told that they would probably be in an office in the galleries. That suggests that the prison is not a safe place for staff to work in. I have no reason to doubt our branch official, because he put that instance in a report. That gives us great cause for concern.

Michael Matheson: You mentioned a culture of secrecy that surrounds Kilmarnock prison. That is clearly a problem that your organisation has come up against. I can understand that a commercial matter—for example, if someone is bidding on a contract—may need to be kept secret. However, unnecessary secrecy seems to surround the way in which Kilmarnock is run and the standards that have been set. Is it your view that that level of secrecy is not required because there are no commercially confidential issues surrounding the areas that you see as problem areas?

Andy Hogg (Scottish Prison Service): It is difficult to determine whether the secrecy is deliberate, or whether the prison feels that some issues are so commercially sensitive that they must be kept from competitors. We recognise what would require genuine commercial confidentiality.

What concerns us is the underlying secrecy that is identified in the chief inspector's report. That secrecy seems to surround access to information and doubts that are cast over how some of the targets are measured. Serious assault was one of the areas that the chief inspector's report raised. The report questioned whether the reporting of serious assault was robust enough.

If someone who has direct contact with the establishment at Kilmarnock prison, and has far more access to it than the trade unions, began to raise such concerns, we would share those concerns.

Derek Turner: I have included in the papers that I am leaving with the committee an extract from

"The Government's 12 Guiding Principles in Using Market Testing and Contracting Out". I think that the extract is from a *Hansard* report of 4 November 1997. It states:

"For the public, it is important to know how much central Government services cost, no matter who provides them. Commercial confidentiality must not be used as a cloak to deny the public's right to know."—[*Official Report, House of Commons*, 4 November 1997; Vol 300, c 95W.]

It is important to remember that, when taxpayers' money is being spent, the public should know how much is being spent and how it is being spent.

Michael Matheson: Who said that?

Derek Turner: It was from *Hansard* and "The Government's 12 Guiding Principles in Using Market Testing and Contracting Out". There is a copy in the information pack that I am leaving for the committee.

The Convener: Do you have concerns over the lack of training of prison officers in Kilmarnock, compared with the training of officers in the SPS? I recently asked a parliamentary question on the subject and was able to find out how much training SPS prison officers received when they were newly recruited, but not how much training new prison officers received at Kilmarnock. Do you have any information on that?

Derek Turner: I am not sure, but I believe that we provide the control and restraint training for the custody officers at Kilmarnock, through the prison service. However, I am not sure what training package the SPS delivers or what the refresher training consists of.

The Convener: Lord James provided me with a list of questions, but I would like him to ask only three of his choice. We can then pick up on any others.

Lord James Douglas-Hamilton: My questions are addressed to all the witnesses, for the sake of simplicity. The first concerns the estates review. Should the timing of the review be brought forward, and what are your views on the speed with which slopping out should be abolished? Secondly, can you say a little about violence against staff and whether sufficient arrangements are in place to prevent such violence? Thirdly, are you satisfied that the arrangements are adequate for separating remand prisoners from recidivists and those who are in for long-term criminal behaviour?

Derek Turner: When we met the Minister for Justice on 23 January to discuss the estates review, he said that the review was being considered and that an accountancy firm was going to look at the figures and try to compare apples with apples, rather than apples with pears, with regard to the costs to the private sector. We

were told that we would receive the report very soon, but we still have not received it.

It is important that the prison service has a strategy for the estate for the next 10 years or so. I am concerned by speculation that privatisation may be extended to the prison service. We must go through the promised public consultation process on the estates review, which should take place as soon as possible to allow various organisations and individuals to make known their comments on that review.

Slopping out should be stopped as soon as possible. For many years, it has been a policy of our union to try to do away with slopping out. The conditions in which staff work are important, and if we improve the prisoners' conditions, we will improve the conditions in which staff have to work. We have voiced the opinion that there are ample pieces of ground within prison establishments that already have fences and walls around them, which could be developed. We regard that as a better and faster option for doing away with slopping out than the building of further private prisons. We hope that that will be an option in the estates review when it is published, although nobody knows what that review will contain.

I apologise for the fact that I have no figures regarding violence against staff. I do not believe that staff receive sufficient back-up. Increasingly, our staff are casualties of violence or of the stress of working in prisons. More and more people are taking time off sick or applying for what are known as section 11 payments from the Treasury for medical retirement. I do not have any figures, but I will try to obtain them and send them to the committee.

Andy Hogg: The chief inspector of prisons identified a slight increase this year in violence against staff. According to the *Official Report* of the Justice 1 Committee's meeting on 11 September, some concerns were raised about whether that increase was down to having fewer staff on the galleries. It is difficult to determine whether that is the direct cause, but it is certainly a contributory factor—having fewer staff creates a vulnerable situation with greater potential for violence.

We will have far fewer staff on the galleries over the coming year and, although we would not like to anticipate an increase in violence towards staff, next year's figures will make interesting reading.

14:45

Derek Turner: Remand prisoners are technically innocent until they have been to court and had their disposal, so we have to treat them in a completely different manner to how we treat convicted prisoners. Under the current rules, we

cannot force a remand prisoner to work, but perhaps we should give them the opportunity to work if they want to do so. It is difficult to do that in a prison where there are convicted prisoners.

Longriggend is now closed because of the conditions for young offenders on remand. Nevertheless, we must have a dedicated prison in which we can look after remand prisoners. Although we perhaps cannot start offender programmes with such prisoners while they are awaiting trial, we can certainly give them opportunities at that stage. It is important that we focus on that. Keeping two different groups of prisoners separate within the one prison and providing both groups with opportunities is a logistical problem that presents operational difficulties.

Donald Gorrie: Your paper refers to the strike that took place. The submission from the Scottish Prison Service refers to an unlawful strike. Will you clarify the status of the strike?

Secondly, you make an interesting suggestion about building more accommodation on the campuses of existing prisons, which could be done more quickly and cheaply than building a new set of prisons. What has been the response of the powers that be to that suggestion? If you think that the suggestion is worth pursuing, please tell us where that expansion should take place—some members will be happy to air what you say with the ministers.

Finally, you mentioned the problem of a career structure in the prison service—many people leave and the police have more of a hierarchy and so on. How do you suggest a better career structure can be created in the prison service? That is obviously an important issue.

Derek Turner: The strike action was taken over the introduction of new attendance patterns for the service. Although the Prison Officers Association Scotland had rejected the offers on the table, management intended to introduce new attendance patterns by imposition and served everybody with letters. The association felt that it had nowhere else to go. We had asked for independent arbitration over the issue, because we wanted to do everything in our power to avoid taking any action.

On the day in question, we called illegal strike action—there is no other way to describe it. The Criminal Justice and Public Order Act 1994 criminalised prison officers by taking away from them the right to take industrial action. I think that the act states that we owe a duty or a loyalty to the Home Secretary and that we are not allowed to do anything outwith that. Any action that we take—whether strike action or working to rule—is deemed illegal. We felt that we had no option

other than to take that action, because we were getting nowhere.

In the end, we got what we had asked for in the first instance—independent arbitration. As soon as that was offered to us, we called off the industrial action. On the day, to minimise the risk, we tried to provide cover for nursing and various other services that we felt were essential. The decision by prison officers to take the action we took was not taken lightly and we will always wish to avoid that in the future. When we get a proper voluntary agreement in place and section 127 of the Criminal Justice and Public Order Act 1994 is repealed—as was promised by the former Home Secretary, Jack Straw—we will feel much more comfortable.

With regard to the units, it would certainly be unfair of me not to say that the Prison Service has already embarked on a plan. A new house block has already been built at Edinburgh prison and there are plans for a second one. Plans have also been announced recently for a unit at Polmont prison. When those three house blocks are completed, they will accommodate about 600 people. Although those plans are in place, we are concerned about what might happen if the Prison Service goes ahead with any further plans for private prisons. There are acres of space at Shotts prison, within an already secure perimeter fence, and we believe that there is also space at Barlinnie and at Peterhead. There are a number of areas in the service that we feel would be ripe for that sort of development and that should not be thrown out of the way.

Andy Hogg: I read Derek Turner's report to the committee on career structure. The trade union side collectively agrees wholeheartedly with the sentiments that have been expressed. The career structure for the Prison Service is now virtually non-existent. That has resulted from a number of factors. In particular, the closure and merging of a number of establishments, with the loss of 400 posts, has had an impact on career structure.

As far back as 1994-95, when a restructuring exercise took place, we split service delivery into separate categories. The prison officer's traditional job was split into operations officer, dealing with escorts, and residential officer, dealing more directly with prisoners. That should not have had a fundamental effect on the career structure. At the lower end, when officers come in as recruits, there should be a clear career path from operations into residential and then on to greater things. However, since we started to reduce the number of staff and rationalise the estate, career opportunities simply do not exist any more.

The chief inspector of prisons remarked on the fact that, although staff turnover in the Prison Service has not been quite as high as it has been

for Kilmarnock prison, it has certainly been high by the SPS standards that we had come to expect. The report refers to prison officers voting with their feet. That is compounding the difficulties that we are having with the current staff reductions.

Maureen Macmillan: I want to ask about prison officers' expertise and flexibility in delivering programmes. When I visited Barlinnie a few months ago, I was under the impression that the induction process in the remand hall was not working terribly well. It was suggested that that was because of a lack of flexibility in delivering that programme. I do not know whether that situation arose because staff were not trained to do it and were therefore unwilling to take part in the programme, or whether they were too busy doing other things. I did not quite get to the bottom of that. There seem to be concerns among staff that they are being deployed in the wrong areas, doing escort duties when they could be doing something more useful. Are there problems to do with expertise and training? Are people being trained to deliver a programme and then not able to do that, or are they being asked to do things for which they are not trained? If that was the situation in the past, is the situation now improving?

Andy Hogg: That follows on directly from the previous answer on career development and where we see a shortfall in prison staff. The problem is most clearly identifiable in the operations group that handles escorts, which is probably the most demanding area.

The courts demand that prisoners attend court; that presents difficulties, as it is a service duty to get prisoners to court. It is of paramount importance that an escort goes ahead, no matter what. If the service is short of operational staff, the only way that that can be done is by pulling prison officers from prisoner programmes and sending them on escort duties, which they are also qualified to undertake. The service suffers because we have to pull them from industry work programmes in which there is a great deal of interaction with the prisoners, who lose out on the work, education and interaction to which they are entitled.

On 5 October, Barlinnie's untried population was 314 in accommodation that was designed for 160 to 170 prisoners. It continues to be a requirement for prisoners to be given access to basics such as sanitation, showers, exercise and visits. That puts a lot of pressure on the staff. To add other issues makes it difficult to cope.

Maureen Macmillan: Are prison officers who are on escort duty separate from those who are working with prisoners in prisons?

Derek Turner: Prison officers are split into two

groups: operational and residential. Since 1995, operational prison officers have been recruited to undertake tasks that do not deliver prisoner programmes or do not have a lot of contact with prisoners, such as visits, escorts, security duties and night shifts. The operational officers do not have the same direct contact with prisoners as happens in the residential area of the service. They were recruited on a salary that remains at £12,500.

Maureen Macmillan: Those officers cannot undertake residential duties, but residential officers can undertake escort duties?

Derek Turner: Yes.

Maureen Macmillan: That means that people are working below their level of expertise?

Derek Turner: Having two tiers of prison officer introduced its own inflexible demarcation lines.

Maureen Macmillan: You have lost many officers to the police force because police pay and conditions are much better than those of prison officers. Has that always been the case or is it a more recent occurrence?

Derek Turner: Before the staffing structure review, I believe that pay and conditions at entry level in the police force were comparable to those of the prison service. At present, police pay starts in the region of £15,000 to £16,000. Within 18 months, that rises to nearly £17,000 and there are further incremental rises. At present, a prison officer starts at £12,500 and their pay rises by £500 in the first and second years. The only way that their pay progresses is through performance-related pay. The scope of the pay bands is so wide that to get to the top of the pay band would take an inordinately long time.

Gordon Jackson: One of the great debates in the committee and the rest of the Parliament is about public against private—in this case, the provision of prison services by contracted private companies. Something that is thrown at us all the time is the cost differential per prisoner between public and private prisons—the cost per prisoner in private prisons is much cheaper.

As has been suggested, when we examine the prison service, we find it difficult to get to the bottom of anything. There are always lots of reasons for such cost differentials. Derek Turner has hinted at some of them, such as poor staffing levels. We are often told anecdotally that prison officers such as you are a major problem—that you are dinosaurs who will not take on new working practices. We are told that that inflexible mentality stops new practices and causes half the problem. I am curious to hear your response to that. Obviously you are going to say no—I do not need to be a soothsayer to know that. Where does

that perception come from? What is at the bottom of it?

15:00

Derek Turner: I find that perception difficult to understand. I have worked in the Prison Service since 1975, including my work as a union official. Practices in the service have continually changed throughout that period. I spoke earlier about the programmes that prison officers deliver. The methods by which we do our job have changed continually. We have changed our working practices over that period. We continue to do so and wish to do so through negotiations. We are not prepared to do the job for a lot less money while working longer hours. We get called dinosaurs when we resist that. We believe that prison officers are professional people who carry out a valuable role for the public. That role should be valued and that should be reflected in prison officers' terms and conditions.

We find that the prison service comes to the fore only when there are problems in it—when there are riots or difficulties in the service. We get little attention otherwise. I spoke to an MP, who I think is now retired, about the subject. He expressed the view that there are no votes in prison so there is no reason to bother too much about prisoners.

If we are dinosaurs because we want to continue to improve our members' terms and conditions and to improve the wages that they earn doing their job, by all means call us that. As far as we are concerned, we have been as flexible as possible. We introduced fresh start in 1987 and there was a staffing structure review in 1995. We also introduced new attendance patterns. All we wanted was a framework that allowed staff to work within the European working time directive and did not allow their working conditions to be abused. That is the main aim of the union. We do not want to be in conflict with the management; we want to make progress in partnership. We have continually offered to do that.

Gordon Jackson: You made the point that on occasion you were asked to work longer for less money. Like most of us, you are not keen on that. Will you be specific about that? Will you spell out what you mean by being asked to work more hours for less money?

Derek Turner: I said that we want to avoid getting into that situation. The starting salary for prisoner officers is £12,500. We do not believe that that is the rate for the job that they have to do, irrespective of whether they have an operational role. Those officers have direct contact during visits, when we find most of the drugs that we find coming into the prison. They have to be vigilant and are in a combative role when they are trying to

stop drugs coming in. The officers work as escorts and if a prisoner escapes while being escorted, the officer who is escorting them will undoubtedly lose their job. The pressures that they are under are at that level.

We want prison officers to have the proper rate of pay for the job and do not believe that that lies at £12,500. We will continue to resist that rate and ask for it to be raised. We get called dinosaurs because we want to protect the officers' terms and conditions. We have always been flexible in how we approach the job. Most of the initiatives that come into the service do so through joint negotiations and reaching an agreed position.

Gordon Jackson: I have a supplementary question. My impression is that relations between the management and the men are bad and are worse than they have been in the past. That is rather odd because my experience of other industries is the contrary—there tends to be improvement in management-men relationships. Is my perception right? Is that relationship worse and has mutual respect declined? If my perception is right, what do you put it down to?

Derek Turner: Andy Hogg has the figures from our report on how people value or perceive the job.

Andy Hogg: The figures I have relate to the area that Mr Jackson is talking about. The most potent difficulty is that the staff do not feel valued by the Prison Service as an employer or by its management team—Derek Turner referred to that. For a long time, we have sensed that in our anecdotal evidence and the recent staff survey, which we will make available, also shows it. One of the statements with which the staff were asked to agree or disagree was:

"I am proud to work for the SPS".

In August 1999, 82 per cent of the staff who had responded to the survey agreed that they were proud to work for the SPS. In August 2001, only 51 per cent were proud to work for the SPS—that represents a considerable drop. Another question that was put to staff was whether they would encourage others to work for the service. In August 1999, 60 per cent agreed that they would recommend that people join the service, but in August 2001 the figure was only 26 per cent.

Such figures cause us concern, irrespective of the steps that have been taken to pursue a partnership approach and create a better industrial relations framework. We are taking giant leaps in that, but we cannot generate partnership at ground level if the people at ground level do not believe in it or perceive that they are valued as employees. That is what the survey has clearly identified. We have major concerns. We have yet to address the results of the survey with the management team,

so we cannot take the matter further than that at the moment.

Gordon Jackson: I find those statistics quite horrifying. What is the reason behind them?

Andy Hogg: There are several reasons. It is not possible simply to identify a direct causal relationship and to put the survey results down to change. There is a stock answer to that suggestion—it arises in other industries too—which is that change generates the feeling of being undervalued; people do not like change and have a natural tendency to buck the trend. That is short term; in the long term, people take on board the changes and the new opportunities that exist. However, that has not happened in the SPS.

The question goes back to career development. In a course of change, one must convince an organisation or its employees—in our case, our members—that one of the major benefits of the change will be better career development and new opportunities to work with prisoners. We hope to expand beyond a turnkey approach—interestingly, Wackenhut Corrections, which runs Kilmarnock prison, describes itself as taking a turnkey approach to custodial services. If we convince people that there are major benefits, we will find that there is a short period of low morale during the change, but that morale will rise again.

That has not happened, either in the past or as a result of the 1994 staffing restructure and the new staff attendance patterns. Morale is low. Derek Turner and I have come to the Parliament several times in the past two years and said that morale has hit rock bottom—I do not know how low rock bottom can get. We seem to be saying the same thing over and over, with no real prospect of change. That is a major concern for us and should be a major concern for the committee too.

The Convener: I have some questions on matters that have been raised in Tony Cameron's paper. The first is on staff morale. He says:

"Change is unsettling but SPS has given staff 3 clear undertakings with regard to the Estates Review and the other significant changes we are introducing. First, we will not resort to compulsory redundancies ... Secondly, we have undertaken not to cut the cash pay of anyone. Thirdly, we have said that, provided that there is sustained progress towards achievement of our vision, there will be no need to market test any existing establishment."

Can you comment on those undertakings and perhaps explain what they mean?

Andy Hogg: We welcome and applaud the commitment not to have compulsory redundancies. The decision not to cut cash pay is an anomaly because all that the SPS is saying is that it will not worsen the terms and conditions of service immediately, but may do so in the future. That is a concern for us. To say that cash pay will

not be cut is a very ambiguous message. To stagnate pay, so that it does not develop over the course of the years, will ultimately mean a real-terms cut in pay, because income will have been reduced. We welcome the decision but the message is very ambiguous. We also welcome the fact that there will be no market testing.

The Convener: What does that mean? How do you market test a prison? It is not pork against pork.

Derek Turner: What would happen is that the SPS would develop a tender document, which would be based on the services that are currently provided by the public sector. A list of companies would then be invited to bid on that tender document to provide those services. If the SPS lost the bid, it is possible that staff could be transferred under the Transfer of Undertakings (Protection of Employment) Regulations 1981. However, the problem with TUPE transfers is that although employees' conditions remain the same on the day of transfer, they can be changed for economic, technical and organisational reasons. In that way, savings could be made with market testing.

One report suggests that it would be better to provide new prisons using a private build with a market test and allow the public sector to bid. The cost comparisons for such an option seem to come out lower than the private-build, private-run option. Some of the figures are given in our submission. The SPS seems to be saying that if prison officers continue to meet their key performance indicator targets year on year, there will be no need to market test existing prisons.

The Convener: One of the biggest costs is staff. You told us that staff numbers have been reduced by 400. Correct me if I am wrong, but it appears to me that the prison service is being understaffed while the number of prisoners is rising. Market testing would compound that problem, because staffing levels would need to be reduced to make the bid more acceptable and competitive. Is market testing a good thing?

Derek Turner: We believe that it is not. HMP Manchester is our only comparison, because it was subject to a market test when it opened up again after it had been closed after riots. The public sector won the bid but only at the cost of reducing the number of staff employed to do the job and privatising some of the services that were carried out within the prison. We do not believe that market testing is a good option, or that it provides value for money.

Some might say that we are being naive when we say that, but we have experience of the works function in four SPS establishments going through a market test. The public sector won three of the

bids and a private sector company—I believe that it was AMEC—won one of them, which was at Barlinnie. To this date, we have not been given the cost savings that that exercise produced. People should at least be able to evaluate what benefits market testing has produced for the organisation and for the taxpayer. It is difficult to justify further market testing when we do not have any evidence that it will save further money, other than by driving down staff terms and conditions.

Mr Cameron can comment on this if he wants, but I was horrified at the SPS's statement that it would not cut anyone's cash pay. The fact that there was a need to deny it suggests to me that it was being actively considered. That the SPS should consider reducing staff pay in the 21st century horrifies me.

The Convener: I have one last question before other committee members come in. There has been anecdotal evidence that the transfer of the governors of Peterhead and Barlinnie out of front-line posts was a further morale-reducing blow to the SPS. Has that had any impact on your members?

Derek Turner: The speculation about the future of those prisons, which has arisen as a result of the estates review, and the speculation about the possibility that the private sector will take over the functions for those prisons, have caused a lot of upset for the staff.

It has been seen as an opportunity to move existing governors out and to put people in. I know one person who was told that he was put in place specifically because he would be less argumentative about the future of the establishment.

The Convener: Which prison was this?

Derek Turner: Peterhead.

15:15

Michael Matheson: I wish to continue on the theme of staff morale, because the chief inspector of prisons picked up on it in his report. Can you give examples of what management in the SPS could be doing now to improve the morale of operational staff? Do you have examples of actions that the SPS has taken in recent times that have undermined the morale of your members? I am thinking about, for example, the bonus scheme, which was introduced for those who chose to break the strike and which might not serve to improve staff morale.

Derek Turner: It is a difficult question, because if I had the answer I would have hoped that it would have been applied right away. There are a host of examples, but it comes down to the way the staff are treated and how they see other

people being treated. When they see staff being treated badly, they think about how they will be if they find themselves in the same position. For example, without going into details, I know of one person who has been threatened with code-of-conduct proceedings because he has a wage arrestment order against him. He has been told that he will be subject to three further meetings and that if he has not sorted out that wage arrestment he could be sacked. His colleagues see that happening and think, "If that happens to me, I will not be treated well."

We know of someone who was assaulted and went on to nil pay after being off for one year. We had to fight tooth and nail for a section 11 application, which is to do with pensions, to get his pay reinstated. He felt that he had not been treated well by the management because nobody followed up by speaking to him to see how he was. There are loads of those incidents, and it is not just the fact that the incidents happen, it is that people see them happening.

I do not have figures for the number of code-of-conduct incidents in the service, but the number seems to be on the rise. The code of conduct was introduced to try to change the culture of the service from a blame culture to a service that could examine itself when something happened, identify where mistakes were made and rectify those mistakes, not necessarily always blame the person who was involved in the incident. However, the situation has gone the other way. When someone is involved in an incident, almost undoubtedly it becomes a gross misconduct case. That all adds to low morale, as does uncertainty about the estates review—which means that people do not know what will happen to establishments—and the fact that as long as we continue to meet our key performance indicators the SPS will not market test us and will not cut our cash pay.

None of those things gives people the belief that the organisation wants to look after them. I am not saying that the organisation has to be pastoral to that extent—although it does not have a business to run, it has to provide a service to the public—but the organisation must look after the staff who work for it. It could do that a lot better by reinforcing the work that the staff do rather than continually comparing the job that we deliver with that in the private sector.

Andy Hogg: I endorse that. The quality of work that the staff have produced in the public sector must be recognised. The constant threat of privatisation that has been hanging over our heads for seven or eight years is debilitating, because staff do not feel valued. We gave figures for that earlier. They do not feel valued because not only are they unsure about whether society in general

values the role of prison officers, they do not feel that their employer values them. They feel that their employer sees them merely as a resource or a cost factor, which debilitates staff, who then become demotivated and start to leave the service. Not only do we lose experienced staff—although our wage profile has reduced that somewhat—we cannot retain staff in general, which is a problem.

Michael Matheson: The examples that you have given and the remarks that you have made fit some of the representations that I have received from prison officers. Do SPS managers have a macho or bullying attitude, in particular when dealing with individual officer-related matters?

Andy Hogg: Undoubtedly. This may not be the most appropriate time to raise this issue, because I cannot provide the particular information, but research was initiated and carried out by the goal 5 group, which is a group that was selected by the SPS board. One part of that research examined managerial style in the SPS. Based on anecdotal evidence, the group wanted to explore that issue and get a handle on it. The group's report has been published, but currently it is with the SPS board. I have not presented the information here, although the report contains much that concerns the trade unions. I am sure that you would wish to request that information. The report endorses statistically what we have known anecdotally for a number of years.

Michael Matheson: What is that report called?

Andy Hogg: "Management Style in the SPS".

The Convener: I am guaranteed that the last person who wants to ask a supplementary question is Stewart Stevenson, and he has told me that it is tiny.

Stewart Stevenson: How many Scottish prisons are accredited?

Derek Turner: Accredited under Investors in People?

Stewart Stevenson: I refer to Tony Cameron's report, which comments, without explanation:

"The commitment of Peterhead staff is not in doubt but the site has yet to gain Accreditation."

Do you understand that?

Andy Hogg: In relation to IIP—

Stewart Stevenson: The site is an investor in people, I know.

Andy Hogg: Well, it was—

Stewart Stevenson: No, it has been reaccredited.

Derek Turner: I believe that it has just received a beacon award as well.

Stewart Stevenson: Yes, on 10 October, and it has received many other awards.

Derek Turner: That is a question for Mr Cameron. I cannot answer that.

Stewart Stevenson: I just thought that it might save time with Mr Cameron if you could help. Thank you.

The Convener: I said that there is one last short question. There really is one last short one, from Lord James Douglas-Hamilton.

Lord James Douglas-Hamilton: Can you say a quick word on whether you are satisfied with the position regarding special units?

Derek Turner: I am not satisfied, because it seems that special units are no longer applicable to the prison service. From a union point of view, we have always advocated the use of special units as a method for dealing with difficult and disruptive prisoners. I appreciate that we have the national induction unit at Shotts, which seems to be doing a good job at inducting long-term prisoners into the system, and perhaps mitigating trouble in future, but there is a need to review the unit system in the prison service.

The Convener: Thank you both. No doubt we will meet again.

We will have a 10-minute adjournment.

15:23

Meeting adjourned.

15:34

On resuming—

The Convener: I was going to say, "If you're sitting comfortably, then I'll begin," but few people will remember "Listen with Mother".

I welcome Tony Cameron, the chief executive of the Scottish Prison Service, and Mike Duffy, the SPS operations director for the south and the west. I thank you for providing a response to the committee meeting of 11 September and the chief inspector of prisons' report, which we have already referred to in discussion with the POA and the SPS union. Mr Cameron wishes to make an opening statement.

Tony Cameron (Scottish Prison Service): Thank you, convener. The committee asked us to respond to the chief inspector's report for last year on a private prison that the Justice 2 Committee visited recently, on Peterhead and on the estates review. You have our 19-page written response of 16 October, which covers most of the points, of which I shall highlight a few.

The Minister for Justice responded to the chief

inspector's report by saying:

"The past year has been a difficult one for the SPS due to the continuing uncertainty brought about by the need to become more competitive and to be more effective in delivering some of its key objectives particularly in relation to developing its correctional agenda. This has required more flexible working patterns, the introduction of which has absorbed significant management time and energy and led to an unlawful strike by prison officers. The Chief Inspector's positive report is welcome, noting as it does that even with these changes the SPS maintained its excellent record of providing secure custody. This is a tribute to both management and staff. High prisoner numbers is a concern. The proposed new Edinburgh and Polmont houseblocks and the upgrade at Barlinnie will provide additional accommodation equipped with integral sanitation but a lasting improvement will follow the implementation of the Estates Review."

The future of Peterhead is being considered in the context of that review, on which the SPS has provided an operational input and independent accountants are verifying the costings. That work is near completion. The Minister for Justice has said that, before decisions are made by ministers, he will initiate consultation. A question has been asked concerning how easily the sex offender programmes could be transferred from Peterhead if it came to that. The answer is that they have already been transferred. The STOP 2000 programme is already operating at Barlinnie and Polmont, and the SPS has more people who are trained to deliver that programme in the central belt than at Peterhead.

There has been much misinformation about Kilmarnock, and we are sure that that establishment is doing very well. Kilmarnock must achieve about 70 performance measures, which are carefully monitored—more than must be achieved in any of our other prisons. Mike Duffy, who is on my right, has two members of staff there to carry out statutory duties and to audit the prison daily—a situation that does not exist elsewhere. The evidence is clear: the situation with regard to drug taking in Kilmarnock is as good as it is in Edinburgh and Perth prisons, which are the suitable comparators. Our annual prison survey also shows that there is less bullying at Kilmarnock than at Edinburgh or Perth. Last year, there were fewer prisoner-on-prisoner assaults at Kilmarnock than at Aberdeen, Barlinnie, Glenochil, Perth or Polmont, and about the same number as at Edinburgh and Low Moss. The counting and classification of assaults is rigorously undertaken by SPS staff for all prisons, including Kilmarnock.

Programmes to address prisoners' offending behaviour and to help them in other ways are difficult to develop and even more difficult to get accredited. Despite being open for only two and a half years, Kilmarnock already delivers a range of those programmes and has secured accreditation, with conditions, for its anger management programme. It has delivered more such

programmes this year than any of the prisons that are mentioned in the chief inspector's report except Shotts, and it is working towards others.

On 7 March, I wrote to the convener of the former Justice and Home Affairs Committee, attaching 68 pages of information about Kilmarnock, its costs and the contract. I confirm that the correct figures for the costs are as follows. Over 25 years, Kilmarnock will cost the taxpayer about £133 million, in terms of net present value—NPV. That is less than half the cost of an equivalent prison operated by civil servants, which was estimated to cost £290 million in NPV terms.

Following three years of discussion and after offering a two-hour cut in the working week—to 37 hours for prison officers—which is equivalent to an additional 5 per cent pay increase on top of the pay award that was previously agreed, much needed new shift and attendance patterns have been introduced almost everywhere in the SPS. In a full year, they will save the taxpayer more than £6 million as well as improving—not diminishing—the service we deliver. A clear lesson for us during this protracted exercise is that although we have a committed work force, the process is too slow in making such changes, which will continue to be necessary.

Ministers have made it clear on several occasions, in public and to us, that the SPS now lives in a competitive environment and that there is no future for those who deliver services at too high a cost and of too low a quality. That is a significant challenge to the SPS as an agency. I believe that we are able to meet that challenge, and I look forward to doing so. At the heart of it is our recently launched vision: correctional excellence in all Scotland's prisons, aimed at helping to reduce reoffending, thereby making Scotland a safer place. That, and nothing less, is the focus of our management.

I believe that Scotland already has a very successful prison service and I pay tribute to everyone involved in it, but our future success will depend on how well we can build on those strengths to show that we can offer better value for money and develop a more flexible approach that will allow us to offer a service that continues to meet public expectations.

The Convener: I cannot recall the submission of 68 pages with costs. The committee will want to investigate that. I appreciate that there has been a change in personnel on the committee. Some of us have been and gone and then come back.

Tony Cameron: We can send the submission again. There was a huge pack and a CD-ROM that contained all the information that was sent, so that the committee could review it. We supplied extra copies of that. The CD-ROM also explains

the difference between net present value and cash.

The Convener: I do not dispute that. I simply do not think that we are aware of the submission. It might have gone to the Justice 2 Committee. We will look into that. Given that—rightly—you have made quite a combative statement, we will need to examine some of the details in the report.

Gordon Jackson: Did you hear the previous evidence?

Tony Cameron: Yes.

Gordon Jackson: In the past half hour we have heard about two quite different prisons. One is a drug-infested, unsafe, poorly staffed jail with poor staff conditions, whereas the other is a paragon of all that is good. The problem is that they are both in Kilmarnock. What is responsible for those differences? When one hears about the two jails to which I have referred, one would think that they were in two different countries, rather than the same establishment as described by two groups of people working in the same prison service. What are we supposed to do when we hear two such different accounts?

Tony Cameron: It is a difficult problem. Our trade union side, which I am pleased that the committee invited to give evidence at my request on behalf of all the trade unions, is paid to examine the Prison Service from the point of view of the producer. It does not tend to examine it from the point of view of the consumer—the public and, above all, the taxpayer, who pays the bills and all our salaries. That might be one explanation for the difference.

In addition, there has been in the past a culture of negativity in the Scottish Prison Service, to which reference was made earlier. My job is to manage and produce the outputs that, each year, ministers set me, as the chief executive of the service, and to publish a parliamentary answer. I do not focus exclusively on producer considerations. I also have to examine what we are producing. In some of the organisations in other sectors that were monopolies during the 1970s and 1980s, the situation was similar to that which Gordon Jackson has described. However, two and a half years ago, after 100 years as a monopoly, we ceased to be one. There is now a comparator in the sector of which we need to take account. That was never the case before and it has been a great shock to our system.

Gordon Jackson: Let me be more specific. You used the word “flexible” a few times, as a kind of buzz word. You referred to more flexible working patterns. I asked the union representatives whether there was any truth in the suggestion that they were lacking in flexibility. Not unnaturally, they suggested that nothing could be further from

the truth. What do you say to that?

Tony Cameron: We have made changes, and I would not disagree with Andy Hogg’s enumeration of those. However, at issue is the degree and speed of changes. We are making changes, but as I said in my opening statement, we have spent three years talking about attendance patterns. Our competitor, in one sense, in Kilmarnock altered them five times in nearly as many months, because attendance patterns need to reflect the needs of the business, which change over the months. We find it difficult to emulate that speed of action. Changes are made, but the speed of change to which trade unions are used and that which is now necessary are two quite different things.

15:45

Gordon Jackson: I do not want to put words in your mouth, but I would like to be specific. Are you suggesting that what is lacking is the degree of flexibility that would be required to make the service competitive and value for money?

Tony Cameron: Yes. People who have been in the Prison Service for a long time, such as Mike Duffy, have said that there has always been another week or month in which to get the issue of attendance patterns right. Any business that is competitive does not have that luxury; it has to move at the speed at which other businesses move or it will lose its business.

Mike Duffy (Scottish Prison Service): I would like to comment on the earlier point about evidence relating to Kilmarnock. Having read a previous *Official Report* of this committee and having listened to the previous witnesses, I am aware that a lot of what people say about Kilmarnock is anecdotal rather than factual. Part of the reason for that is that the establishment is relatively new and it takes a while to measure factors. However, the figures that Tony Cameron quoted in relation to drugs are based not on opinion but fact. They enable us to make a comparison with the way in which equivalent prisons are operating. Given the short time that the prison has been open, the comparison is quite favourable.

The Convener: The language that is being used is throwing me a little. Our witnesses are talking about providers and customers and about businesses being competitive. I must be old-fashioned, because I think of the Prison Service as just that—a service. You are talking about competitiveness and running a contract, but I want to talk about running a service. Can the two elements be married?

Tony Cameron: I agree with you that prisons should be run as a service. This might be only a

semantic difference, but the question is how that can be done at best value to the customer, which is what we are required to do by our framework document.

The Convener: You are required to do that by the Executive?

Tony Cameron: That is what ministers instruct us to do. We live in a competitive environment. Those words were not mine, but were from the framework document.

Gordon Jackson: I do not object to the inclusion of a value-for-money principle.

Kilmarnock has been running for a few years, which means that we have been able to use performance indicators to arrive at the factual measures that Mike Duffy talked about. The committee's papers tell us that the average net present value per prisoner place for Kilmarnock amounts to £11,000 compared to an SPS equivalent of £21,000 or £23,000. That is a serious difference. In summary, to what can we attribute that huge gap? Changing attitudes? Flexible working patterns?

Tony Cameron: In the document that we sent on 7 April, I quoted a figure of £133 million, which is the contract price for Kilmarnock. Broadly speaking, that is made up of around £32 million to build the prison and about £100 million to run the prison. The equivalent figure for the public sector, which was investigated at the time by people such as Mike Duffy, was £280 million. About £80 million of that was to build the prison and about £200 million was to run it. The biggest difference is not in the building costs but in the running costs.

When a new entrant comes into any sector, it discovers ways of operating that are much better than those of the incumbent. We are trying to analyse the differences, some of which are difficult to bridge and others of which we can do something about. The attendance patterns of the contractor are much more flexible than ours. Its speed of change is much faster. Its terms and conditions of service are different—I do not know the precise terms and conditions of the contractor; what I am concerned about is whether our prisoners are being dealt with appropriately, which is what is happening. It is up to the contractor to choose how to deliver that output. That is why I said that there is a difference between considering the producer aspect—the input—and the consumer aspect. Many businesses produce services and so do we. There is not necessarily a dichotomy.

Gordon Jackson: I will be realistic. It is all very well for you to say that you cannot possibly know what the terms and conditions are, but one would not need to be James Bond to find out. It is not beyond the wit of the head of the Scottish Prison

Service to discover what guys are being paid at Kilmarnock prison. Does the difference arise from the fact that they are being paid differently, or is it simply because their work patterns and practices have changed?

Tony Cameron: It arises from both. Starting salaries at Kilmarnock are a matter of public record. Kilmarnock recruits at the same starting pay as for other prisons, which is £12,500 a year. That is what we offer to new recruits and that is what Kilmarnock offers. What happens thereafter is not so easy to determine, but Kilmarnock is recruiting in the market at much the same level.

There is no doubt that pension arrangements in the civil service are different from those of most private sector organisations. Pensions are nothing to do with the SPS because HM Treasury determines Government department pension arrangements. I do not know what the arrangements at Kilmarnock are, but the committee will have a chance to ask Premier Prison Services next week.

From where I sit, the differences are in many areas. The new building was built to the company's specification and in a different way from public sector prisons, not only those in Scotland. We have not built a new prison in Scotland for many years, since Shotts prison, which we started building in the 1970s. We have no recent experience of building a whole prison, which is different from the much easier job of building a house block here or there. Mike Duffy's area includes Kilmarnock prison, so he might like to expand on that.

Mike Duffy: A number of members have visited Kilmarnock prison, which is better designed for supervision than our traditional, often Victorian, prisons. It is designed to use differently information technology such as cameras and other labour-saving systems. Those measures add up.

Gordon Jackson: Do you have a prediction or hope that you can narrow the gap?

Tony Cameron: As I said, I doubt whether we can narrow it entirely. We must ensure that, in dealing with private sector prisons such as Kilmarnock, we compare like with like. Inverness prison has around 100 prisoners; Kilmarnock has 550. We have a women's prison at Cornton Vale and a number of small units of five, six or seven women. The costs in those more specialised areas are understandably different from those for a big prison with huge economies of scale. Prisons are required throughout Scotland and we cannot expect the same costs for all of them. By investing as much capital as we can amass, we hope to improve our estate and thereby improve conditions for staff and prisoners, which in turn will improve efficiency.

Lord James Douglas-Hamilton: I will ask three questions together for simplicity. First, will the eagerly awaited estates review take into account the arguments for ending slopping out as soon as possible, the strong case for keeping Peterhead prison and the need to separate remand and recidivist prisoners? Secondly, will the chief executive say what the position is on special units in Scotland and whether he recognises that there might be a case for them in certain circumstances? Thirdly, the chief executive is examining suitable options for open prison conditions for women. How is that progressing? As open prisons are a facility that is available to male prisoners, is there not an unanswerable case for their being made available to women prisoners?

Tony Cameron: On the first point, the answer is yes. Slopping out is a major issue for the prison estates review. Out of approximately 6,200 prisoners who are currently incarcerated, about 1,500 have to slop out by one means or another. We would dearly love to end that as quickly as possible.

HMP Peterhead, HMP Barlinnie and HMP Low Moss are the central focus of the estates review. Slopping out at Peterhead prison is at 100 per cent. At Barlinnie prison, it is at 70 per cent and, although Low Moss prison has internal sanitation, it has wooden huts from the second world war and is unsatisfactory in other ways. Those three prisons have been the subject of intense focus to see how we can improve conditions and will be included explicitly in the estates review.

I ask Mike Duffy to talk about special units because he has been involved with them over the years.

Mike Duffy: The original purpose of special units was to deal with violence that was often committed by a small number of prisoners. In recent years, the level of violence against staff has dropped dramatically. The phenomenon of particularly violent prisoners seems to be under control. There are many reasons for that—it is mainly to do with the type of regime that was put in place. Equally, we have been building different units around the Prison Service and prisoners now tend to be managed more locally.

A consequence of that is that, over the past few years, we have found it difficult to get the right kind of prisoner to fill those special units. We were putting unsuitable people into those units, not the people for whom they were designed. That exercise allowed us to close the Peterhead unit some years ago when we were in the process of rationalising the estate.

More recently, we closed the unit at HMP Shotts for three reasons. A feature of special units is that they drift and lose their direction after a time. It is

not unusual that we close units—we just re-examine and then reopen them. There was a need to do that with the Shotts unit.

The second issue at Shotts was that it needed to be redecorated and we wanted to install closed-circuit television cameras. The third issue was the staffing situation at the time. Because there was a staff shortage, at Edinburgh in particular, we wanted to send staff to Edinburgh prison on detached duty. As a consequence of that, we closed the Shotts special unit temporarily. It is due to reopen in the new year, once we get the staffing levels back up again. However, we have used the closure period to initiate the refurbishment of the special unit and to re-examine the regime. When it reopens, we hope that it will be meeting a greater need, a suitable client group having been identified.

For now, we see a role for the Shotts special unit, but we are keeping it under review, as the earlier witnesses said. It is most desirable to find different ways of managing prisoners in normal circulation in their home establishments. We are considering initiatives that will involve mental health nurses, increased nursing cover and different ways of managing prisoners. In future, therefore, we expect to be able to manage people in their home establishments and to do without special units.

Tony Cameron: We are considering the question of open prisons, but not just for women. Lord James Douglas-Hamilton is right. We have two open prisons for men, which we find it difficult to fill—there were three open prisons. We are initiating a review of open prison policy to find out whether it can be made more appropriate for men and for women. Women cannot progress from HMP and YOI Cornton Vale to open conditions, although we believe that the conditions that we have created at Cornton Vale are superior to anything that we have for the male population.

Lord James Douglas-Hamilton: I would like to repeat the question that I asked about separating remand prisoners from recidivists.

Tony Cameron: The answer to that is yes: it is a legal requirement to separate, as far as possible, those groups. It would be our intention to do so wherever possible. In the small establishments such as Inverness prison, there is sometimes a choice between sending a young chap to Polmont and keeping him in Inverness. It is often desirable to keep him in Inverness for all sorts of family reasons, which means mixing with his friends who happen to be convicted. We do that reluctantly, but occasionally for humanitarian reasons for the sake of the prisoner concerned.

Mike Duffy: We have recent developments, with a new hall at Edinburgh prison and a refurbished

hall at Perth prison; we are also refurbishing a hall at Barlinnie, which will allow us to carry out that separation better.

16:00

Donald Gorrie: At the bottom of page 7 of your submission, you mention the need to reduce reoffending. I hoped to turn over the page and find that as one of your success criteria, but it does not seem to be. I should have thought that, if I had to choose one success criterion, it would be a reduction in reoffending. Could you comment on that?

Secondly, on a visit that I undertook to Polmont some time ago, it was made plain to me that the large number of short sentences handed out to young people was a complete waste of time, because the institution had no chance to gear itself up for any educational or other proper programme. What interaction is there between the Prison Service and the sentencing authorities? Surely the authorities should be told that they are wasting everyone's time. Do you tell them that and if not, why not?

My third point is about something that is new to me: I do not understand the concept of the free-standing agencies—of which I think the SPS is one. Who is your boss? Is it Jim Wallace? Is it, in some way, the Parliament? I would like to understand that a bit better.

Tony Cameron: If you can forgive me: the paper that I have in front of me is the paper that I submitted. You refer to page 7, which differs from the one—

Donald Gorrie: It is irrelevant: you mentioned reducing reoffending, but that does not seem to be one of your success criteria for the next five years; I thought that it might be.

Tony Cameron: If I may say so, I would include it too, and we hope to develop such a criterion. At the moment, we know from work that we have recently done within the service that the average percentage of prisoners who return to prison within two years—that time being an internationally accepted norm—is between 45 per cent and 50 per cent, or just under half. I understand from our research people that that level is not bad internationally, but we would hope to improve on it if possible. We would make Scotland a safer place if we could reduce that figure in concert with external agencies dealing with parole, probation and so forth.

It is one of our ambitions in our mission statement to have some measure of that in a few years' time. We are not sure precisely which things that we do would have a direct impact on that figure, because it is affected by a huge

number of other things, not just by what happens in prison. I share your hope, Mr Gorrie, that we may move in the right direction in that regard.

You asked about short sentences in relation to Polmont—that applies elsewhere. The criminal justice forum chaired by Jim Wallace, as the Minister for Justice, includes people from the justice department, the Scottish Prison Service, the judiciary and the Scottish Court Service. We do debate such questions, and I have produced statistics showing how many long-term prisoners, short-term prisoners and prisoners of various categories there are. A policy discussion might take place about what the most appropriate disposal is. Jim Wallace has said that he hopes that sentencers will use more the alternatives to custody that are now available, but the decision is ultimately that of the judiciary.

As for your third question, the SPS is an agency of the Scottish Executive. Everyone who works in the Scottish Prison Service is a civil servant. All prison staff and headquarters staff are civil servants who work for the Scottish Executive. My minister is Jim Wallace. I report to him, and each year he sets the 10 or so key performance indicators for which I aim. I also report to him periodically on how we are getting on. At the end of the year, he discusses the budget with other ministers. I know that the committee has debated the justice budget, of which the SPS is an element. In concert with his colleagues, Jim Wallace decides how much money we get over the period of the spending review 2000 funding round.

A framework document that has been submitted to the Parliament and which is on its website describes the relationship between the agency and the minister. It sets out the freedom of action that the agency has to manage a complex business such as a prison service and the policy issues that are for ministers. The estates review provides a relevant example. The SPS has great expertise in aspects of running prisons and developing new ways of dealing with imprisonment, but big questions must be asked about funding and external issues like that are for ministers, so Jim Wallace said a few months ago that the decisions on the estates review were so wide ranging over such a long period that they would be taken by ministers, following consultation.

Maureen Macmillan: I will ask about delivery of rehabilitation programmes and other programmes in prisons. When I visited Barlinnie several months ago, it did not seem that the induction programme for remand prisoners was being delivered terribly well. Just one officer conducted the programme. He could not obtain help from other officers, or other officers were too busy doing other things to

help. The officer said that he was working on his own and that he felt that he was barely coping.

Prison officers told the committee a wee while ago that it was difficult to deliver some rehabilitation programmes, because no sooner had they started to do something than they would be called out for escort—

The Convener: May I stop you there? Your microphone is pointing heavenwards and not towards you.

Maureen Macmillan: I am sorry. I have moved the microphone—is that better?

The Convener: Yes, thank you.

Maureen Macmillan: Did Mr Cameron hear what I said?

Tony Cameron: Yes.

Maureen Macmillan: When those officers were in the middle of conducting a programme, they would be called out for escort duties, and the programme would fall apart. I do not know to what extent that happens in all prisons, but that situation is a concern. A main aim of prison is to prevent people from reoffending and to make them address personality problems and other issues. We must address the situation of officers being called away every so often—I do not know how often that happens—from delivering a programme. To what extent are you dealing with that?

I have one other point, which is small. You talked about programmes being accredited. What does that mean? Are the programmes accredited by an organisation such as the Scottish Qualifications Authority?

Tony Cameron: You asked about the interruption of programmes. Programmes are disrupted more often than we would wish, and not only at Barlinnie. The courts demand that remand and convicted prisoners appear. The arrangements for such appearances vary, but broadly speaking, we take convicted prisoners back to court, and the police escort remand prisoners, although that is not always the procedure.

You are right. As the courts must be served and prisoners might have to return to court many times for continuation hearings that might last only seconds, a huge logistical exercise must take place. If there are more remand prisoners than we think—we cannot forecast the figure easily, as the pattern is lumpy—we must find officers from somewhere to take those prisoners to court. As we cannot jeopardise such areas as security and health and safety, we very regrettably tend to rob education, the work sheds and industries and the programme staff. That is a particular problem for the young offenders at Polmont.

As a result of a visit that I paid to Polmont with the Minister for Justice during which such a movement happened, Jim Wallace asked me to make a proper examination of prisoner escorts undertaken by both the SPS and the police. At the moment, I am leading a team that is considering the whole question of escorts and the handling of prisoners outwith the prison. The issue disrupts a whole lot of things; for example, chief constables tell me that they have to take officers off this or that duty to put them on escorts if they expect numbers to be greater. As the situation needs to improve, we are addressing the problem on a Scotland-wide basis. I stress that we have not made any judgments about how we do these things—

Maureen Macmillan: But it is obvious that something needs to be done.

Tony Cameron: Indeed. The first issue that we must address is the gathering of information. There are probably 150,000 prisoner movements a year, and the question is how we carry out such a huge number of movements. A prison escort to Stornoway is not the same as an escort to the High Court in Edinburgh, and we need to consider such differences.

Maureen Macmillan: Are you considering the use of video cameras or videoconferencing in courts in Stornoway or elsewhere? I know that there is a pilot scheme.

Tony Cameron: We have provided the equipment. There is the possibility of a pilot scheme between Barlinnie and the Glasgow courts; we are all ready to go and I think that they are working things up at the other end. Such a scheme would help by cutting down some of the short trips for very simple appearances. However, that issue is not part of my current inquiry because as I understand it—I am not an expert in this area and am therefore subject to correction—the legislation allows only a pilot scheme. Primary legislation would be required to extend the measures to the rest of Scotland. I am looking for changes now to alleviate the present position. If we received more electronic means of communication such as the system that works well in Belfast, it would help tremendously; however, that should not prevent us from getting a better handle on what we are doing now.

As for accreditation, work led initially by Canadian services and continued by England and Scandinavia—we have a lot of contact with Canada and Scandinavia—suggests that, whereas non-accredited programmes do not help prisoners and can make things worse, properly structured and independently evaluated accredited programmes can help considerably. One of the key performance indicators that we have introduced this year for the first time is to receive

accreditation for 50 per cent of all the programmes that we deliver this year. The accreditation is carried out by independent panels, not by the SPS. If we take the sex offender programme as an example, a group of worldwide experts who have developed that programme visit the prison and find out whether the construction and delivery of the programme and the conditions in which it is delivered are suitable. We do not control the process of accreditation; we participate in the accreditation panels and pay for the process, which is a bit like the external validation of exams. According to the research, if we can say that particular experts in the field think that the programme is good, it will have a better chance of success in addressing offender behaviour than just any old programme that we might introduce. As I have already mentioned, Kilmarnock is trying to do the same thing with the same accreditation panels.

Michael Matheson: Last year, there was an underspend—a saving—of around £13 million in the Scottish Prison Service budget, which ministers subsequently reallocated to other budget headings. I understand that there is an underspend of around £17 million in the Scottish Prison Service's budget this year. Around £30 million has therefore been saved from its budget. Were you instructed to make such savings? If so, who instructed you?

16:15

Tony Cameron: There was an underspend of £24 million in the year from three years ago to two years ago. When the Executive viewed its spending priorities in the following year, it said that we could have £11 million, but it would take £13 million for greater priorities in the justice programme. The Cabinet took that decision. As a result, Mike Duffy led a living within our means exercise and we rationalised some prisons and units. The exercise is well documented and I appeared before the Justice and Home Affairs Committee to speak about it.

Recently, the Executive adopted a scheme whereby agencies and departments are entitled to 75 per cent of any underspend and 25 per cent goes into a central pool and is reallocated. That is what happened. Last year, our estimated underspend was £17 million. We were entitled to £13 million of that. The figure happens to be the same as for the previous year, but the £13 million is different.

A couple of weeks ago, the Minister for Finance and Local Government said that we could carry the whole £17 million forward to this financial year. I am pleased about that because this morning I was at Polmont where I signed the many documents that relate to the £17 million that we

are spending on the new Polmont house block. I hope to do the same in the next few weeks in Edinburgh. We already had £17 million to build the Polmont house block, but we have tried to move money from current expenditure to capital so that we can increase spending. We now have enough cash to sign a contract for a slightly bigger house block at Edinburgh than at Polmont.

There is a Scottish Executive scheme. All Government departments tend to underspend. As a whole, the Executive underspent last year by just under £700 million, of which our underspend was £17 million.

Michael Matheson: Your submission refers to the estates review. It states:

"the Estates Review is considering how to use its current and future estate in a flexible way to meet such uncertain demands in the future."

The "uncertain demands" refers to an increasing prison population—the population had remained static for around three years. The estates review still has to be published, but what is your view on how prison estates can be more flexible?

Tony Cameron: The Victorian era was the biggest time for building prisons. We have many buildings that were built by the Victorians. They were excellent builders and designers, but the buildings do not meet modern conditions. We are asking staff to work and prisoners to live in unsatisfactory conditions. The buildings were built before electricity, modern plumbing and other things that we take for granted. The average householder in Glasgow in 1860 lived in conditions that we should not now have. The same is true of prisons.

We need a modern, flexible estate. That would mean that the prison service could be broken down into parts that could be independently operated to the benefit of remand prisoners, in whom Lord James Douglas-Hamilton is interested, convicted prisoners and groups of sex offenders. That would mean that those prisoners would be safe and well treated. It would also mean that modern facilities, such as health centres and education blocks, could be provided.

All those facilities have tended to be built piecemeal. In most of our estates you will find buildings that date from between 1860 and yesterday. It would be more beneficial for us to knock down some of the old bits and build more flexible accommodation. The situation is similar to the one that faced the national health service, much of which was housed in old buildings. In some cases the NHS has upgraded existing buildings; in others, buildings have been knocked down and replaced by new blocks, which have modern heat-retaining insulation, heating systems and so forth.

We have considered a number of costed options for doing the same thing within given time scales. How soon would that bring an end to slopping out and how would it cater for the projected prison population? The SPS does not determine the prison population. The courts determine that. Scottish Executive statisticians try to make projections based on previous prison populations. Their current view is that the prison population is likely to rise by an average of between 100 and 200 prisoners a year.

That forecast was made before and the increase did not take place. We have had three years of static or slightly falling population. However, today, we have 400 more prisoners than we had on the same day last year. The increase was unexpected, as the previous year prison numbers were lower than in the year before that. In the short run, prisoner numbers fluctuate quite a bit. At the moment, we have a prison's worth more prisoners than we had last year. As that has happened quite quickly, it puts strains on the system.

We do not know whether the trend will persist or whether it will decline again. As I have said, the statisticians' projections suggest a slow rise. If we look 10 years ahead, we will need to think about the number of prisoners for whom we will need to cater.

Michael Matheson: I am conscious that a key part of that is alternatives to custody. An estates review that does not have alternatives to custody running parallel with it will always result in a prisons estate that will have to catch up with the number of people the courts decide to put into prison.

Members have heard evidence from the trade union side. It may be anecdotal, but I have the impression that a macho, bullying management style exists in the Scottish Prison Service. The Prison Officers Association believes that that is the case. Given that you are the two most senior managers in the SPS, can you say whether the management of the SPS has a macho, bullying culture? If so, what are you doing about it? When will the report "Management Style in the SPS", which is currently with your board, be made public?

Tony Cameron: I have been told that there was a bullying culture, but I do not believe that there is now, as we have been determined to tackle it. Quite recently, we issued a new policy setting out appropriate behaviour for all our staff. We take seriously any allegations of inappropriate behaviour. That includes behaviour towards staff or colleagues, such as the use of inappropriate phraseology. The bullying and anti-harassment policy is one of our key policies. Mike Duffy may want to comment, as he has been in the service

much longer than I have.

We hope to keep developing the anti-bullying strategy that we have set in train. When Andy Hogg mentioned the paper, I did not immediately recognise it. We have a goal five staff group, which includes that sort of stuff. However, the paper did not ring a bell with Mike Duffy or me.

Michael Matheson: The title that he gave me was "Management Style in the SPS". At the moment, the paper is with the board.

Tony Cameron: May I look into it? The title did not ring a bell with me. What did ring a bell was the major launch, held some months ago, which Mike Duffy and I attended with staff. I am not sure whether Andy Hogg is referring to that or to something different.

Michael Matheson: I understand that it is a piece of research.

Tony Cameron: May I look into it?

Michael Matheson: Perhaps we can have the matter clarified. Is it correct to say that you would have no problem with making the document public if need be?

Tony Cameron: We would certainly not have a problem with that.

Mike Duffy: The point about a bullying culture sometimes refers to the fact that the prison service has its roots in militarism—it has that kind of tradition in which people are told what to do and they do it. That has been breaking down for about 15 years and we have become a much more ordinary civil organisation. There is still a residue of militarism, but we recognise that kind of thing and we are trying to eradicate habits and behaviours that come from that older style of operating. As Tony Cameron has described, we are pursuing several initiatives and policies to ensure that people know the position and what they can do if they feel that they are being managed in that way.

The Convener: I have two questions that follow on from Michael Matheson's question about the £17 million underspend. Is it correct that the £17 million that had been saved on revenue is now going on capital projects, such as Polmont young offenders institution?

Tony Cameron: Not quite. Of the £17 million, £6 million came from current moneys—we absorbed the staff from the closures much more quickly than we had estimated—and £10 million was a transfer from efficiency savings. There was a late receipt of £3 million of end-year flexibility from the previous year, but we did not have time to spend it because we received it rather late. We sold Dungavel and Penninghame, which brought in £1 million. That adds up to £17 million. Some of

it was current and some of it was capital.

The Convener: You are blinding me with figures—I shall have to reread them. Do the figures include savings from revenue that are being transferred to capital projects? I can sort out the figures later.

Tony Cameron: Yes.

The Convener: We hear that there are 400 fewer staff than there should be, and you have said that it is common and regular that men have to go off on escort duties all the time, which impacts on rehabilitation, as prisoners are locked up when that happens. Is that how you are making the savings? Is it because you do not have enough staff?

Tony Cameron: Now I understand your question. The answer is no. The 400 posts that we saved resulted from the living within our means exercise, which we carried out two years ago. Today, among the operational group—the residential officers and the operations officers—we are 40 staff short out of a total of 2,830. That is just over 1 per cent. We have 70-odd residential staff too many and just over 100 operations staff too few. It is operations staff who are leaving the service; among the residential group our staff turnover and wastage is extremely low—not much more than 1 per cent a year.

The Convener: The prison officers said that the men were voting with their feet.

Tony Cameron: I was listening very carefully. People tend to talk in anecdotes. They meet someone who says that they are off to join another organisation and that sticks in their mind. I am trying to give the facts. The fact is that staff turnover is not a problem for us; it is extremely low.

The Convener: Are the staffing levels that you are talking about based on the actual number of prisoners within a prison or on the number of places?

Tony Cameron: The number of prison places. If we get many more prisoners we will build it up over time.

The Convener: So the figures that you are giving me are based on actual prisoners, because we know that we are overcrowded at the moment?

Tony Cameron: There is no mathematical relationship—we need the number of staff that we need when we need them. We have a complement of staff, which is calculated for each prison. That is the safe working number of all staff—not just operations staff—that we need for every prison. The figures that I just quoted relate to the number of staff that we have in post today, within today's complement.

The Convener: So that safe figure is based on prisoner population, not prison places.

Tony Cameron: That is taken into account. It is not a mathematical relationship. Managers must make a judgment about how many staff they need.

The Convener: I would very much like the committee to take evidence from the governors of Barlinnie and Peterhead prisons. Would you have any difficulty with that?

Tony Cameron: Not at all.

The Convener: So we have your blessing.

Tony Cameron: Absolutely.

The Convener: One of the governors gave the impression that senior officials had prevented him from coming to the committee to give evidence. Are you saying that the person who did that was not you, but another senior official?

Tony Cameron: I was unaware of that situation.

The Convener: Fine. We will invite the governors to give evidence to the committee.

Tony Cameron: Ian Gunn and Bill McKinlay are the two governors to whom you refer. I am absolutely happy for them to give evidence to the committee.

The Convener: I am sure that they are listening.

16:30

Stewart Stevenson: In your note to the committee you mentioned three units for sex offenders. You said:

“The commitment of Peterhead staff is not in doubt”—
that is good—

“but the site has yet to gain Accreditation”.

That is very disappointing. My disappointment comes against the background of Peterhead being informed, on 10 October, that it would be a beacon site under the central Government beacons scheme, which exists to provide benchmarking comparisons to deliver continuous quality improvements. The scheme focuses particularly on issues that you have raised this afternoon: the work of continuous improvement teams and strategic planning based on the European Foundation for Quality Management excellence model. I also note that the prison reached the finals of the modernising government competition, which is a Cabinet Office award. That would suggest that many people in government believe that Peterhead is doing an excellent job.

You said, quoting someone else, that the cost must not be too high and the quality must not be too low and that your objectives were to be more efficient and effective. I note that over a four-year

period Peterhead has reduced the cost per prisoner from just under £40,000 to close to the Scottish Prison Service average of £26,000. I point particularly to an academic site accreditation that took place in the past year, the chairman of which remarked that Peterhead was now the benchmark against which other prisons would be measured. Do you agree or disagree with that remark?

Tony Cameron: I do not agree with it as far as the quality of Peterhead prison's buildings is concerned.

Stewart Stevenson: We are not talking about buildings.

Tony Cameron: The comment on accreditation in my paper addressed that issue. That is why I referred to the site, rather than to the people who deliver the programme, of whom we are very proud. We are also proud of their other achievements, which I will not repeat.

Stewart Stevenson: So you are happy to agree that Peterhead is the benchmark against which other prisons should be measured.

Tony Cameron: That depends on which benchmark we are talking about.

Stewart Stevenson: Let me put two points to you. First, there appears to be consensus that Peterhead has one of the top three sex offenders units in the world, although views may differ on that. Secondly, within the Scottish Prison Service, Peterhead is regarded as a prison that, with its staff, has responded to change programmes in a way that I can only describe as excellent. The quality of the response has been far in excess of the quality of response that I have experienced as a senior person in business, where similar programmes have been attempted and have not achieved the kind of success that has been achieved at Peterhead.

Tony Cameron: We are very pleased with the work that staff at Peterhead do. We have no difficulty in agreeing with you about that. Our concern at Peterhead is with the estate, not with programme delivery, which I agree is excellent. At Peterhead we have specialised in dealing with sex offenders. As I said in my opening statement, Peterhead is not the only site at which we deliver the sex offender programme. We are developing the programme all the time, because Peterhead is not the only prison where sex offenders are held, either on a long-term or a short-term basis, although I do not want in any way to disparage the excellent work that our loyal staff at Peterhead do.

Stewart Stevenson: I draw your attention to Professor Bill Marshall's comments on the suggestion that the sex offenders unit at Peterhead should be moved. He said:

"That would be a retrograde step and would have to be

supported by reasoning not at all apparent to me."

In the past week the chief inspector of prisons has remarked that the unit could create a grave risk to the public were it to be moved. He commented that the work with sex offenders in Saughton was unsuitable and that the prisoners there who were being treated in relation to sexual offences should be transferred to Peterhead.

I note that you disagree with that. I am not at all clear why there appears to be a bias against the success of Peterhead and the sex offenders unit there. I invite you to correct me.

Tony Cameron: I make plain that we are not biased against Peterhead in any way. I have visited the prison on a number of occasions. I mentioned in my opening remarks that we are delivering the sex offender programme at Barlinnie and Polmont. We are not delivering a sex offender programme at Edinburgh.

Prisoners are moved in and out of Peterhead. We moved some prisoners who refused to undertake the programme at Peterhead to Glenochil and replaced them with prisoners who were prepared to do the programme at Peterhead, to maximise the number of prisoners in the programme.

We regard Peterhead as a key part of our sex offender programme. We have 300 prisoners at Peterhead. That is where we conduct sex offender programmes for long-term prisoners. I was trying to counteract the idea that we do not conduct such programmes anywhere else. In doing that, I was in no way detracting from the fact that Peterhead delivers the programme and does so very well.

Stewart Stevenson: Does the assurance stand that the First Minister and the Minister for Justice gave to Alex Salmond when he met them on 26 January that the quality of service at Peterhead would be the determining factor in making a decision on the future of the prison service in that location, if not in that building?

Tony Cameron: I was at the meeting, so I remember the assurance well. It was also stated that the future of provision at Peterhead would be decided in the context of the estates review and that costs and alternatives would be considered.

Stewart Stevenson: Will consideration of them be secondary to quality?

Tony Cameron: No undertaking was given that one feature would prevail over others. Ministers did not concede that.

The Convener: I am trying to move on. I know that members still want to ask questions. Did Maureen Macmillan want to ask something?

Maureen Macmillan: I just wanted to ask something minor.

The Convener: If Michael Matheson wants to ask a question, he must be terribly brief. We have other business and I would like to get away before darkness falls.

Michael Matheson: The witnesses have given three undertakings with regard to the estates review. They are mentioned in their submission under the heading "Staff Morale". I am particularly concerned about two of those undertakings.

You say that you

"have undertaken not to cut the cash pay of anyone."

You also say:

"we have said that, provided that there is sustained progress towards achievement of our vision, there will be no need to market test any existing establishment."

Does the undertaking on cash pay also mean that you will give an assurance that staff pay will be able to progress? On "achievement of our vision", what is your vision?

Tony Cameron: I will take the second point first. Our vision is one of correctional excellence. Among the five actions that we have determined is our aim that, in the necessary pursuit of demonstrating value for money to the taxpayer, public sector costs will be competitive with those of alternative providers.

I said earlier that the estimated cost of running a prison such as Kilmarnock using public sector norms was roughly double. Many prison officers immediately asked me, "What is going to happen to our pay?" Some people might say that we have to cut our pay costs, as pay accounts for more than 50 per cent of our total costs. I said that I knew that in some businesses, management had tried to cut cash pay and it did not work well. I said that I was not at all happy with doing that and that the cost-cutting benefits in no way compensated for the devastating blow that cutting cash pay dealt—most people have mortgages and have families to support. That is why I gave that undertaking. Incidentally, I originally gave the undertaking in relation to the living within our means exercise and attendance patterns, not the estates review, although the point applies to the review.

The vision includes a number of actions that we need to take to be recognised as leaders in correctional work. I also have to obey budget demands and bear in mind the fact that we are in a competitive environment in which we know that other players in the industry—which is worldwide, not just based in Scotland—are doing similar things. Their costs are competitive. I cannot simply ignore that fact.

I hoped that many staff would regard the undertakings that I gave as helpful. Indeed, staff have told me that the undertakings are helpful,

particularly the one about there being no compulsory redundancies if we move forwards. In many industries that is exactly what is happening.

The Convener: I thank you both very much. The session was long. I have no doubt that you will be back again at some point.

I would like to get through the rest of the business relatively quickly. First, we are going on a visit to Peterhead. I have e-mailed the governor of Peterhead about a visit there, particularly with regard to the STOP programme. If any members of the committee wish to go on the visit, please let the clerks know. We will arrange a mutually convenient date for the visit.

Secondly, as has already been said, Premier Prison Services will give evidence to the committee on Kilmarnock prison next week. We now have papers from the Prison Officers Association Scotland—and we may have other papers—on private prisons. That is helpful.

I have already mentioned the allocation of legislation. We will come to that later.

The next agenda item is to consider the remit of the regulation of the legal profession inquiry. We have agreed to take that item in private, so I ask members of the public to leave.

16:41

Meeting continued in private until 17:05.

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