

JUSTICE 1 COMMITTEE

Tuesday 26 March 2002
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE

10th Meeting 2002, Session 1

CONVENER

*Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

*Maureen Macmillan (Highlands and Islands) (Lab)

COMMITTEE MEMBERS

*Lord James Douglas-Hamilton (Lothians) (Con)

*Donald Gorrie (Central Scotland) (LD)

*Angus MacKay (Edinburgh South) (Lab)

*Paul Martin (Glasgow Springburn) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*attended

ACTING CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 3

Scottish Parliament

Justice 1 Committee

Tuesday 26 March 2002

(Afternoon)

[THE CONVENER *opened the meeting at 13:49*]

The Convener (Christine Grahame): I welcome everybody to the 10th meeting of the Justice 1 Committee in 2002. I welcome Angus MacKay to the committee. It is a good committee, and we will enjoy seeing you. We look forward to your contributions, which I am sure will be sharp and pithy.

I ask everyone to turn their mobile phones and pagers off. I have received no apologies.

Interests

The Convener: I ask Angus MacKay to declare any relevant interests.

Angus MacKay (Edinburgh South) (Lab): As a poacher turned gamekeeper, I do not think that I have any interests to declare.

Deputy Convener

The Convener: We now have the task of appointing a deputy convener. On a motion of the Parliamentary Bureau, the deputy convener is to be chosen from the Labour party. I invite a nomination for deputy convener.

Angus MacKay: I nominate Maureen Macmillan.

Lord James Douglas-Hamilton (Lothians) (Con): I second that.

Maureen Macmillan was chosen as deputy convener.

The Convener: I invite Maureen to come and take her position next to me, at the head of the table. It is always handy.

Maureen Macmillan (Highlands and Islands) (Lab): My goodness, I did not know that I had a special seat.

The Convener: I will have to leave the meeting at 2.30 today, to attend a Parliamentary Bureau meeting, so you will be taking over, Maureen.

I remind members that Mary Seneviratne, who is our adviser on the regulation of the legal profession, is with us today. She will be involved in items later on the agenda.

Items in Private

The Convener: Under agenda item 3, I ask whether members agree to consider items 7, 8 and 9 in private. Item 7 is consideration of future options for the inquiry into the regulation of the legal profession. Item 8 is consideration of the committee's approach to the prison estates review. Item 9 is consideration of candidates for the post of adviser for the proposed criminal justice bill.

Are members content to take those items in private?

Members indicated agreement.

The Convener: I beg members' pardon. I thought that reading out what the three items are would be sufficient, but I should have added that we will be discussing our forward work programme in relation to two of those items. As item 9 relates to the consideration of candidates for a post of adviser, I am sure that members would agree that it is not appropriate that that be held in public.

Subordinate Legislation

Civil Legal Aid (Scotland) Amendment Regulations 2002 (SSI 2002/88)

The Convener: Agenda item 4 is consideration of SSI 2002/88, which is a negative instrument. I refer members to paper J1/02/10/1. If members do not wish to make any comments about the instrument, we shall simply note it.

Local Government Covenant

The Convener: At this rate, we will be out of here almost before we have sat down. Agenda item 5 is consideration of the draft covenant between local government and the Scottish Parliament. I refer members to paper J1/02/10/2 and ask for any comments. If members have any comments, we can write with them to the convener of the Local Government Committee.

Donald Gorrie (Central Scotland) (LD): I think that the covenant is a good thing and that we should support it. However, unless I have missed something, I do not think that it has any specific relationship with the Justice 1 Committee's work.

Maureen Macmillan: It is suggested that any relevant matters that came up would be discussed with any committee that was thought to have matters relevant to local government before it. How would it be decided whether such matters were relevant? I am trying to find the part of the paper that says that, but I cannot see it.

The Convener: I invite anyone else to tell me where that part is.

Maureen Macmillan: I wondered about that when I was reading it in bed this morning.

The Convener: Is it under the heading "Operational Aspects"?

Donald Gorrie: Paragraph 22 of the draft covenant says:

"Policy issues impacting on local or central government services may be placed on the agenda by either side."

I think that that is referring to the agenda of the proposed standing joint conference, however.

Maureen Macmillan: Presumably we will leave it to people's good sense not to propose items that are not relevant.

The Convener: Shall we write to the convener of the Local Government Committee, simply saying that we note the draft covenant? Is there anything else that we wish to say about it?

Donald Gorrie: I think that we should write supportively, saying that we support the spirit of the draft covenant. Sometimes writing to say that we note something may be interpreted as clandestine hostility.

The Convener: Or as "We can't be bothered."

Maureen Macmillan: I agree that we should say that we welcome the draft covenant.

Lord James Douglas-Hamilton: Yes, it is about good working relationships.

The Convener: It is indeed. I think that local government has sometimes felt under attack from the Scottish Parliament in the sense of losing its autonomy. Perhaps it is good to set up a regulatory framework.

Prison Visit (Peterhead)

The Convener: Agenda item 6 is on our recent visit to Peterhead prison. I invite Donald Gorrie and Michael Matheson to comment on the visit, which I think was very interesting.

Donald Gorrie: On all visits, we are never quite sure about the extent to which the wool is pulled over our eyes. On this occasion, I genuinely felt that the prison was very well run and that everyone involved, including all the staff—of every species—was committed to the approach adopted at Peterhead, which is very different from that of other jails. It was directed towards ensuring that sex offenders, when released, did not offend again. I was extremely impressed by the whole team.

There are a lot of sensitive issues around whether the prison is closed, knocked down and rebuilt here, there or somewhere else. We will have to deal with that issue in due course. I felt that the team approach deserved commendation and might favourably be copied somewhere else.

Michael Matheson (Central Scotland) (SNP): Like Donald Gorrie, I was extremely impressed by yesterday's visit, particularly by the commitment of the staff. It is probably the first time that I have ever been to a prison where I have felt that what should be being done in prisons is being done. It is not just about locking up people, but about dealing with their offending behaviour. In no other prison have I experienced the type of atmosphere that I experienced at Peterhead. It contrasted very well with a visit that I made to Polmont young offenders institution on Friday.

Like Donald, I found that the team approach used by the staff in Peterhead to tackle sex offenders' behaviour appears to be extremely worth while and effective. The staff were most impressive in their commitment to working with the offenders and in their enthusiasm for trying to adapt the STOP 2000 programme for other offenders who, when coming into the system, may not suitably undertake the programme as it is. I was extremely impressed. As I said, Peterhead is the first prison I have visited where I have felt, "That's what prisons should be doing," in the sense of addressing offending behaviour as well as locking up people who are dangerous to society.

The Convener: I endorse both members' comments, including that about the feeling that we might sometimes get about having the wool pulled over our eyes on certain prison visits. I did not feel that at Peterhead. It is the personnel who impressed, with the culture that they have adopted.

I also have to report to the committee some interesting comments made by prisoners. An old chap who had been there for a considerable period told me that, when he had been in mainstream prisons, he had been unable to leave his cell to go to the library or to exercise, because he was always attacked or threatened—at one point someone even tried to set upon him in his cell. None of that happens at Peterhead, because all the prisoners are in the same boat. I asked another prisoner, a young man, about prison visits, because that was an issue raised by the Minister for Justice. The young man's family came from Ayrshire, and he said that his parents and his girlfriend visited him at Peterhead, but that they would not visit him at a mainstream prison because they would be subjected to abuse and hostility. Those were unsolicited approaches.

14:00

Michael Matheson: When you left after lunch, convener, Donald Gorrie and I—

The Convener: I had another appointment. I did not leave willy-nilly.

Michael Matheson: Of course not. We took part in a session with 30 prisoners who volunteered to meet us. They put specific questions to us and expressed their concerns. There was a difference of opinion on a couple of matters. However, their experience of other mainstream prisons echoes your comments, convener. It is not just the prisoners who have committed sexual offences that are subject to abuse; their families are subject to verbal and physical abuse as well.

I had expected the prisoners to be really annoyed that they were so far away from their families in the central belt. Although one or two of the group thought that that was a problem, the majority did not; some even welcomed the fact that they were further away from their families. Some prisoners felt that they benefited from being in a prison that was just for sex offenders, because no stigma was attached to any particular group of visitors or prisoners. Unlike in other prisons, no one is in protective custody.

Many of the prisoners who took part in the session detailed their personal experience of physical harm and the way in which they were psychologically damaged as a result of their experience in mainstream prisons, the pressure that they were under and the tricks that were played on them. It was a very powerful session.

Donald Gorrie: I agree with Michael Matheson. I have visited three other jails privately, but it is the first time that I have been confronted by 30 prisoners who had been given an hour to say exactly what they wanted. It was very impressive. Their fear of being sent to a prison where there

was a unit for sex offenders in a larger jail was predominant—to them that was hell on earth.

The Convener: The committee might be interested to know that it was a clean prison.

Michael Matheson: Spotless.

The Convener: Inside and outside, the buildings were clean and in good condition. Peterhead is not like Barlinnie, which has the usual smell of urine. That is an issue that we will discuss later in relation to the prison estates review. I was struck by the cleanliness and the way in which the men kept their cells neat. They are long-termers.

The STOP programme lasts for three years; prisoners do not just pop in. I was very impressed with the presentation on the programme. When we consider the prison estates review, I hope that the committee will agree to hear a presentation from the four people who gave us a presentation on the STOP programme. Hearing about people's commitment and experience is very different to reading about it. Prison officers in Peterhead seemed to have a different kind of career from what I had expected.

Michael Matheson: They are like psychologists or social workers. They enjoyed their role and enthused about it.

Maureen Macmillan: I saw the STOP programme when we visited the unit in Barlinnie.

Michael Matheson: That is entirely different.

Maureen Macmillan: It may be entirely different—it is for short-term prisoners and runs for three months rather than three years—but I found that the officers who were running that programme were very committed.

I want to ask about the fabric of the buildings and the accommodation. Were people sharing cells? What was the situation in respect of slopping out? What were the physical conditions like?

Michael Matheson: I am sorry for interrupting. I had visited Barlinnie too, and I anticipated that Peterhead would be similar, yet I was struck by how different it was. I was expecting the fabric of Peterhead to be poor—similar to the halls in Barlinnie or the old halls in Polmont—but it is not. The design of the buildings is old, but I was struck right away by the fact that the fabric is in such good condition. The prison is well maintained inside. The cells that we visited randomly were very clean, the paintwork in the halls was well maintained and there seemed to be an element of pride in maintaining the fabric of the building. From the moment that I walked into the first hall I realised that it was quite unlike any prison with a Victorian hall that I have ever visited.

Lord James Douglas-Hamilton: Do all the cells have slopping out?

The Convener: They have chemical toilets.

Lord James Douglas-Hamilton: So it is different from Barlinnie.

The Convener: Yes. It is much more discreet and there is not the stench that is found in Barlinnie. I even forgot that they do not have in-cell sanitation. It was only when I left that I realised that it did not smell like Barlinnie or as one would expect an old Victorian prison to smell.

Michael Matheson: The toilets are cleared out twice a week and they are now setting up a team to do that more regularly. During the session with the prisoners we asked about the issue of not having toilets in the cells. Although the prisoners wanted to have toilets, they were totally opposed to the proposition that the prison should be closed because it does not have in-cell toilets. They did not see it as such a high priority.

Lord James Douglas-Hamilton: Would it be fair to say that when people think of Peterhead prison they have an image of what it was like 30 years ago, before the sex offenders unit was set up?

Michael Matheson: Yes.

Lord James Douglas-Hamilton: Many of the attitudes towards Peterhead prison appear to be throwbacks to the past rather than objective judgments.

The Convener: It is not just the fabric and cleanliness, but the atmosphere in the prison. That is something that cannot be transplanted. The relationship between the officers, other staff and the prisoners was different to that in any other prison, including Cornton Vale, which also had a different atmosphere. It was not what I was expecting and atmosphere is not something that can be made up. A place can be prettified, but an atmosphere cannot be fabricated. Members should not take our word for it, but should visit the prison and judge for themselves. One might read that the culture at Peterhead is important, but one cannot feel that unless one visits the prison.

The STOP programme is one project that is delivered twice a week, but that approach has to be continued in the halls by the ordinary officers. The sex offenders self-refer. They cannot join the programme unless they admit that they are sex offenders and that is a huge obstacle to overcome. Even after their session on the programme they have to go back to the halls and keep confronting themselves. They cannot lapse into pretending that they have never been a sex offender.

Those who visited the prison are very enthusiastic about it.

Maureen Macmillan: There has never been any question that it is a wonderful programme, but the fabric of the building has been balanced against that.

The Convener: You would need to see that for yourself, Maureen.

Michael Matheson: It is far from what I expected—it is quite remarkable.

Maureen Macmillan: What about prisoner numbers? Was the prison overcrowded?

Michael Matheson: No. There is no doubling up. The only problem is that those at the top of the system who are getting to the pre-discharge stage have difficulty getting placements in open prisons. One offender went to an open prison through a Scottish Prison Service transfer and he was subjected to quite a bit of bullying because he came from Peterhead and was a sex offender.

The prison had been trying to develop community links but that programme was stopped a year or 18 months ago. The prison wanted to work with the community in the Peterhead area and had commissioned some research by Professor Bill Marshall. The responses from the local community were very supportive of prisoners at the top end taking up roles in the community. The difficulty in relation to top-end prisoners and open prisons is not a Peterhead problem, but a problem in the SPS.

The Convener: It is helpful to see it all for oneself—the building and the people who are operating the programme. As I said, I did not notice until I came out of the prison that it did not smell like an old smelly prison. Members should go and visit the prison and hear from the staff why they think it works. I know that there will be a big controversial debate on the topic, but it is important to do more than read about Peterhead. Members should visit the prison a couple of times and establish whether something special and important in international terms is working in the prison.

14:11

Meeting continued in private.

15:15

Meeting suspended until 15:23 and thereafter continued in private until 16:03.

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