

JUSTICE 1 COMMITTEE

Tuesday 30 April 2002
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE

14th 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

THE FOLLOWING ALSO ATTENDED :

Stewart Stevenson (Banff and Buchan) (SNP)

WITNESSES

Ian Bannatyne (Scottish Prison Service)

Phil Hornsby (Prison Service Union)

Bill McKinlay (Scottish Prison Service)

ACTING CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 1

Scottish Parliament

Justice 1 Committee

Tuesday 30 April 2002

(Afternoon)

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

14:03

Meeting continued in public.

The Convener (Christine Grahame): Welcome to the 14th meeting in 2002 of the Justice 1 Committee, which is now in public. The meeting opened in private to discuss lines of questioning to witnesses, as we have done previously, because it is not appropriate to discuss lines of questioning in public.

I ask members to ensure that mobile phones and pagers are switched off. We have received apologies from Angus MacKay, who is unwell, and Paul Martin, who is doing a good service for us on the Audit Committee and will report back on Kilmarnock prison's accounts, among other matters.

I welcome Angela Fletcher, who is Conoco's senior legal adviser. She is attending the meeting as part of the Scottish Parliament business exchange programme. Michael Matheson is acting as her parliamentary host and she will sit behind him. He has a shadow with him and is very excited.

Prison Estates Review

The Convener: I welcome Phil Hornsby, who is general secretary of the Prison Service Union. I refer members to paper J1/02/14/02, which has been kindly given to us and which outlines the PSU's background. Perhaps Mr Hornsby would like to say something about the Prison Service Union for the *Official Report*.

Phil Hornsby (Prison Service Union): The Prison Service Union was formed in 1988. Many people have described it as a modernising union. We believe in the concept of partnership with our members' employers and we try to be moderate in all matters. We have never been involved in any form of industrial action and do not believe that that is the right way to solve problems in prisons and custodial services in general. The union is administered by a committee of six people, who are elected every three years. I am the general secretary and report to that elected committee.

The Convener: Is it in your constitution that your members cannot strike, or has that simply come about by agreement?

Phil Hornsby: There is nothing in the constitution that prevents a strike, but the constitution is clear about the union's beliefs. We do not believe that striking is the way to handle industrial relations problems.

The Convener: Would it be possible to strike, if your members wanted to do so?

Phil Hornsby: It would be possible.

The Convener: How many members do you have at Kilmarnock prison?

Phil Hornsby: About 150.

The Convener: What is that in percentage terms?

Phil Hornsby: I think that that constitutes between 60 and 70 per cent of the staff who are eligible for membership.

Maureen Macmillan (Highlands and Islands) (Lab): Are you affiliated to the Trades Union Congress?

Phil Hornsby: No.

Lord James Douglas-Hamilton (Lothians) (Con): We have heard evidence from the Prison Officers Association Scotland, which told us that it is difficult to make a comparison between the public sector and the private sector, because key performance indicators for the public sector are far higher than contractual obligations of the private sector. Do you want to comment on that?

Phil Hornsby: I do not share that view. One feature that privatisation of custodial services has

produced is minimum standards for prisoners in respect of the number of hours that they spend out of cell on recreational activities and educational services, for example. That seems to be welcome. I am not aware that performance targets in the public sector are any higher than in the private sector.

Lord James Douglas-Hamilton: The Scottish Prison Service estates review states that for the price of one prisoner place in the public sector, two prisoner places of equivalent quality can be provided by the private sector. Do you agree with that conclusion?

Phil Hornsby: Yes, I think that I do.

Lord James Douglas-Hamilton: The SPS's operational view is that about 700 places is the optimum size for a new prison in respect of prison security and stability, performance and cost efficiency. Do you agree?

Phil Hornsby: Yes. Generally speaking, the smaller the prison population, the more manageable it becomes.

Lord James Douglas-Hamilton: The view of the SPS is that 700 places is the optimum size. Are you saying that you do not necessarily accept that? Could the optimum size of the prison be smaller?

Phil Hornsby: If that figure is based on economics, I could not possibly comment.

Lord James Douglas-Hamilton: However, you think that there is a place for smaller prisons because they make it easier to manage prisoners and contain potential problems.

Phil Hornsby: Yes.

Lord James Douglas-Hamilton: One option that is considered in the estates review is a public-private partnership, in which the private sector both delivers the building to a required specification and provides facilities management, but the core operational work is retained by the public sector. However, the Executive claims that the PPP model

"may well not translate well into the prisons sector where the private sector role in successful PPP contracts has covered not only the delivery of ancillary services but also the delivery of core operations".

Do you agree with that view?

Phil Hornsby: That is a difficult question. Having looked at the operation in France, where such a system operates, I can understand what the Executive is saying. The French system has not been tremendously successful because there seem to be too many administrative difficulties between the two parties. I take the view that, if we are to have private prisons, they will need to be administered by the private companies at all

levels. Unless I misunderstand you, you suggest that the private sector could construct the buildings and provide some services while operational command of the prison is retained by the public sector. The French experience has shown that there are inherent difficulties in having two sets of managers.

Lord James Douglas-Hamilton: From what you have said, does it follow that a new prison that is built and operated by the private sector will not have those problems?

Phil Hornsby: I do not believe that such a prison would have those problems. England's experience has been that privately managed prisons are successful.

Lord James Douglas-Hamilton: How many prisons are there in that category?

Phil Hornsby: I believe that there are 10 or 12.

Lord James Douglas-Hamilton: Has your evidence shown that those prisons have succeeded?

Phil Hornsby: Yes. Those prisons have succeeded. A few of them had tremendous difficulties in the early days of the experiment—which is what it was when it started—but those prisons are now without exception very successful.

The Convener: As a matter of interest, does the PSU have any members within public sector prisons?

Phil Hornsby: Yes.

The Convener: Do you have PSU members within public sector prisons in Scotland?

Phil Hornsby: We have none in Scotland, but we have such members in England.

Lord James Douglas-Hamilton: The Scottish Prison Service has stated that the delivery of a private build, public operate prison would present "extreme difficulties", because the integrity of the physical fabric of a prison is inextricably linked to its operation. You have probably already answered the question, but are there problems with having two sets of managers?

Phil Hornsby: Yes.

Lord James Douglas-Hamilton: How do those problems manifest themselves?

Phil Hornsby: It is difficult to know because, in the UK, we have no experience of joint ventures in which the public service administers a facility that has been constructed by and is managed by the private sector. We can relate only to the French experience.

Am I making sense?

Lord James Douglas-Hamilton: Will you

elaborate on what the French experience has been?

Phil Hornsby: The French have experienced enormous problems between the public sector and the private management.

The Convener: I want to come back to that but I will first let Maureen Macmillan ask her question.

Maureen Macmillan: Mr Hornsby said that he thinks that privately built, privately run prisons are more successful than prisons in the public sector. What do you mean by more successful? Are they more successful in rehabilitating prisoners or in locking up prisoners?

Phil Hornsby: Generally speaking, the big advantage of privatisation of prisons is the fact that it has created—perhaps unwittingly—the nearest thing that we have to a set of minimum standards for prisoners. Those minimum standards are for things such as time out of cells and for activities that take place no matter what else happens. Those rules in the contract are adhered to strictly so that prisoners know where they stand. They know that they will get X hours of education in a week, X hours of out-of-cell activities, X number of visits and so on. However, there is inconsistency in the public sector prisons, which do not all operate according to the same rules.

14:15

Maureen Macmillan: So, life in the private sector prisons is more structured.

Phil Hornsby: Yes.

Maureen Macmillan: The content of what they are doing does not matter—it is just that they know what they are doing.

Phil Hornsby: The content is equally important. I am not saying that the public sector does not do this, but the private sector provides first-class education services, inculcation of the work ethic into prisoners and recreational activities that compare favourably with those that are offered at any prison that I have seen anywhere in the world.

Maureen Macmillan: I will leave it there—other members might have follow-up questions.

The Convener: I want to pick up on something to do with private build, public operate prisons presenting extreme difficulties. As I understand it, one of your arguments is that we know who is taking on the risks or insurance for a private build, private run prison. Is that correct?

Phil Hornsby: Yes.

The Convener: Do you know who is taking on the risks or insurance at Kilmarnock prison?

Phil Hornsby: No, I am afraid that I do not.

The Convener: Do you have any comments on the Yarlswood prison experience? There appears to have been conflict over who took on the risks for that building.

Phil Hornsby: I do not know enough about the matter to answer your question.

The Convener: So, when you say that the integrity of the fabric of the building is inextricably linked to a prison's operation, that is not entirely the case, because you do not know about insurance. However, insurance is crucial, is it not?

Phil Hornsby: I suppose it is.

The Convener: There might be confusion, even in private build, private run prisons, over who carries which liabilities.

Phil Hornsby: Yes, I accept that.

The Convener: I was going to ask you a simple question—to which you probably do not know the answer—about who owns Kilmarnock prison. The POAS says that ownership was transferred to the Home Office. However, that would not be within your ken.

Phil Hornsby: My understanding is that Kilmarnock prison is owned by Premier Custodial Group Ltd. There are lots of different companies in that group and the only thing that they seem to have in common is the word “Premier” in their title. I think that the prison belongs to one of those companies.

The Convener: So, it is owned by a separate company. Is that company responsible for the heritable property of the company group?

Phil Hornsby: I do not know.

The Convener: At least I have got further this time—I have got a name.

Maureen Macmillan: I want to return to what goes on in the prisons and what programmes the prisoners are offered. In his report on Kilmarnock prison, the chief inspector of prisons was concerned about the lack of

“quality opportunities available for prisoners to address their offending behaviour”.

Are you aware of such a lack of opportunities for prisoners at Kilmarnock? What programmes are available at Kilmarnock to address offending behaviour?

Phil Hornsby: The chief inspector of prisons was right to identify that lack, which is one of the features of the operation that the management of Kilmarnock prison is addressing as a result of the report.

Maureen Macmillan: Is not that lack a result of the contract? Is not the contract so inflexible—

Phil Hornsby: I have never seen the contract.

Maureen Macmillan: The perception is that the contract was based on the prisoners' being at work rather than in rehabilitation.

Phil Hornsby: It is a matter of perception of the programmes that are in place to address offending behaviour. The educational programme, the recreational activities and the opportunities for staff to relate to prisoners all contribute to that end. However, as a result of the chief inspector's report, the company is now considering a classroom-type programme in which prisoners will be invited to discuss their offending behaviour.

The Convener: I will follow up the matter of how prison officers relate to prisoners. I take it that you do not equate employment with rehabilitation. Do you consider employment in prison to be a kind of rehab?

Phil Hornsby: Employment contributes to rehabilitation. Instilling the work ethic in an offender is good.

The Convener: My next question will relate to our later questions on how staff feel about safety. When I went unannounced to Kilmarnock, there were 27 prisoners to one prison officer in the welding shed. Do prison officers have any opportunity to be involved in rehab or have contact with prisoners in the ratio that is used in rehab?

Phil Hornsby: No. I agree that staffing levels are far too low. In most prisons, when prisoners work in workshops, the function of officers is to get prisoners to work. Building relationships with officers is usually done during recreational time or time out on association—when prisoners mix with other prisoners and with staff.

The Convener: I will separate out the element of rehab that I am talking about. When prisoners work, they are simply occupied, but no interaction takes place at that time.

Phil Hornsby: No. Very little interaction takes place.

Maureen Macmillan: As we said, the fact that the contract is work-centred means that there is less room for, for example, anger management programmes in the prisoner's day.

Phil Hornsby: That is correct.

Maureen Macmillan: Phil Hornsby said that the 27:1 ratio is too low. It has been reported that staff at Kilmarnock prison feel isolated from other SPS establishments. Do your members in Kilmarnock feel isolated?

Phil Hornsby: No. Sometimes our members

believe that they are isolated, but that is a result of what they read in the press. I continue to see such negative reports, which are common to all private prisons. The situation is the same in England and Wales, where such negative reports keep surfacing. When what has been reported is examined closely, it is often found that what was reported was not the case. I am sure that a sense of isolation is not what concerns staff at Kilmarnock.

Maureen Macmillan: The committee has heard evidence that staff at Kilmarnock have sometimes felt frightened. The chief inspector of prisons reported that, in the past 12 months, the number of incidents of prisoner-on-prisoner violence has almost doubled, which impinges on staff morale, too. Does the level of violence concern your members? Do they think that violence could also be directed at them?

Phil Hornsby: I receive few reports of concerns about the level of violence, but I receive almost daily reports from staff that they are frightened about what might happen because of the very low staffing levels.

Donald Gorrie (Central Scotland) (LD): The chief inspector of prisons' report said that Kilmarnock's drugs strategy was somewhat "superficial and uncoordinated". What do your members feel about the drugs strategy?

Phil Hornsby: They share that view. The staff tell me that there is not enough time to do the job properly, because the number of staff is insufficient.

The Convener: Recently, the press contained a report—I will not quote it verbatim, because I do not have a copy—that a nurse who had worked at Kilmarnock said that a casual attitude was taken to the dispersal of drugs and medication to prison officers. Do you know about that?

Phil Hornsby: Yes. Recently, I became involved in an officer's disciplinary case. A matter that became apparent during that case was the lackadaisical administration of paracetamol. I pointed out to a director of the prison that that was a dangerous practice. Paracetamol is a dangerous drug if large quantities are taken at once. There seemed to be a lack of control over the administration of paracetamol.

The Convener: Where was the paracetamol destined? I am trying to follow what you are telling us.

Phil Hornsby: In the circumstance to which I am referring, supplies of paracetamol were available for staff to give to prisoners during the night. That meant that those tablets were just pushed under the door on a piece of paper. The prisoner, therefore, did not have our advantage of

being able to read warnings on the bottle about the dangers of paracetamol. In addition to that, there was no control over, or record of, how many tablets had been administered. I found that fact to be particularly disturbing.

The Convener: How has the situation changed?

Phil Hornsby: I am talking about something that has happened in the past two to three weeks. I am not aware of steps having been taken to rectify that matter.

The Convener: That is a matter that we would want to raise because the nurse who complained was disparaged by the private prison service as someone who was just out of sorts—if I can put it that way.

Michael Matheson (Central Scotland) (SNP): On that issue, it is clear that you have experience of private prisons in England. Is the type of procedure that you described common practice? If not, what is the common procedure for the administration of medication?

Phil Hornsby: Yes, I think that that procedure is common practice in private prisons. I do not know why that should be the case.

The Convener: On health, are any of your union members also members of the nursing service part of Kilmarnock prison?

Phil Hornsby: Yes.

The Convener: I am looking at Clive Fairweather's follow-up inspection report of 14 and 15 March, which states:

"The problem of nurse recruitment reflects the national shortage of nursing staff. The inability to replace members of the nursing team with permanent staff has meant that the health care manager has been forced to rely on agency and bank nurses to make up the shortfall in numbers."

The report goes on to say:

"In addition, agency or bank nurses, even when they attend the prison regularly as replacements, cannot provide the continuity which is essential for the proper management of probably the most demanding population of patients with which any primary care medical service is expected to serve."

That sounds like a bad situation. Can you comment on that report?

Phil Hornsby: I could not disagree with the report. The nursing service is a vital part of the prison. However, the nursing staff situation is, in many ways, similar to the experiences that we have had with the general recruitment of staff in Kilmarnock. There are too few staff and they are paid too little. I do not need to tell the committee about the high levels of staff turnover in Kilmarnock since the prison opened. The committee will have those statistics. The situation is getting better and there are all sorts of reasons

for that, but there is still higher staff turnover than one would expect for a prison at this stage of its development.

Maureen Macmillan: Do the nursing staff receive the same rates of pay as they would receive in the national health service?

Phil Hornsby: I am afraid that I do not know.

Michael Matheson: I want to move on to staffing levels and pay and conditions. Much has been said in the media about the difference between staffing and pay and conditions in private sector and those in public sector prisons. Can you comment on the difference between the pay and conditions of staff at Kilmarnock and those who do a similar type of job in the public sector?

Phil Hornsby: Yes. The Kilmarnock staff are paid less, particularly now that the SPS has introduced new pay scales for its prison officers. That puts the Kilmarnock staff on £5,000 or £6,000 a year less than the public sector equivalents.

The paucity of staff at the prison is not just down to the operator of the prison; a lot of it is down to the contractual terms that were approved by the Scottish Prison Service. That is one of the difficulties that we have had with all private prisons in England and Wales, and now Scotland. The message from contracting authorities—Her Majesty's Prison Service in England and Wales or the Scottish Prison Service—seems to be, "Do as we say, not as we do." It is they who approve staffing levels.

14:30

I complained previously to the English contracting authority about the paucity of staff in the privatised custodial services, and was met with silly responses such as, "It's nothing to do with us—it's the contractor's problem. They contracted to do the job with this many staff, and that's what you've got." That is not good enough. It is an irresponsible attitude and that must be addressed. If it is right, for example, that in a public prison in Scotland there should be 100 prison officers, why should there be only 50 at Kilmarnock prison? It is a ridiculous situation. It is irresponsible of the contracting authority. The ferocity of the tendering system means that every new private prison that comes on stream does so with fewer staff on lower pay, because the wages bill is the big cost in running a prison, and it is the only cost that the operators can address in order to remain competitive. Somewhere, the bubble will burst. We are in a ludicrous situation.

The positive side to private prisons is what they provide for prisoners. I have seen private prisons in the UK and in the United States of America and am convinced that they can operate as well as

any publicly administered prison. However, if we have minimum standards for prisoners, we ought to have something similar for staff. The contracting authorities ought to examine more closely the contracts and say, "The cheapest is not always the best. If we want particular staff to prisoner ratios in our publicly administered prisons, we ought to have the same in the privately administered estate."

Michael Matheson: You are saying that the low pay of the staff and their poor conditions are a result of the contracting authority; that is, the SPS.

Phil Hornsby: Yes.

Michael Matheson: Are you also saying that in drafting the contract for Kilmarnock prison, the SPS paid more attention to what happens to prisoners than it did to what happens to the staff who are working there?

Phil Hornsby: Indeed.

Michael Matheson: How do breaks during the working day and holiday entitlement for staff at Kilmarnock prison compare with those for staff in other prisons?

Phil Hornsby: We have serious problems at Kilmarnock. Very few staff get any breaks at all. There is some confusion about how that situation arose. In his first report on the prison, the chief inspector of prisons noted that the staff asked to spend less time in the prison. I am not sure that that was accurate.

At the moment, staff get few or no meal breaks. They might work 13 or 14 hours a day without a break. That matter is being addressed by management. Despite our members saying that they are happy with things as they are, as a trade union we feel that it would be irresponsible of us to lend any further credence to their situation. We have insisted to the prison director that staff be given meal breaks. In fairness to the director, he has devised a new attendance pattern that will produce meal breaks, but it has not yet been implemented, because of staffing shortages.

Michael Matheson: Are you saying that for the past three years the majority of staff at Kilmarnock prison have been unable to take a meal break in the course of what could be a 13-hour shift?

Phil Hornsby: Yes.

Michael Matheson: Why has it taken three years for that issue to be addressed?

Phil Hornsby: I cannot talk about the first year, as my union was not involved with the prison at that time. We have been involved with the prison for about two years. Kilmarnock prison has taken advantage of the availability of an expert on staff attendance systems and has paid a consultant to come in and devise such a system. There are

difficulties with the span of the working day and the working time regulations. Kilmarnock prison unlocks prisoners' doors at 7 o'clock in the morning, which is earlier than in most Scottish prisons, and locks them at quarter to 10 at night, which is later than in most of the public prisons. That means that staff are required to be on duty again only nine hours after they get off duty at 10 o'clock. The law requires them to have 11 hours free of duty. That is an inherent problem with the prison regime.

Michael Matheson: What do the staff do? When do they eat if they are on for 13 hours?

Phil Hornsby: Usually, one of them is sent to the canteen to fetch meals for the others. They usually try to grab something to eat while they are working. The situation is most unsatisfactory but it is now being addressed.

Michael Matheson: After three years.

Phil Hornsby: Yes.

Michael Matheson: You mentioned problems with staffing levels and I note that the chief inspector of prisons, in his most recent report, described staffing levels in one hall as being "dangerously low". It is estimated that staffing levels in private prisons are about 25 per cent below those in public sector prisons. Will you comment on the staffing problems at Kilmarnock?

Phil Hornsby: The situation is no different from that in any of the other private prisons. It is not rocket science to work out that the only way in which a private prison can be made profitable is by paying the staff less or having fewer of them. That is how profits are generated. If you are going to have the same number of staff and pay them the same, there is not much point in operating a private prison.

Michael Matheson: If you agree that Kilmarnock prison is understaffed, what increase do you think would be required to bring the level up to the proper staffing complement?

Phil Hornsby: It would require an increase of around 20 per cent.

Michael Matheson: On staff turnover, you mentioned that there has been a reduction in the rate at Kilmarnock, although previously it had been too high. The rate has reduced to 14 per cent from 32 per cent in the course of a year. Why has there been such a dramatic drop in the rate of staff turnover?

Phil Hornsby: Some of it has to do with the job situation in the local community. I keep reading reports about companies closing down in East Ayrshire. People are more likely to stay in their current job in those circumstances.

Another factor is that there are now a number of

staff with three years' experience who are able to lend support to new staff. Kilmarnock recruits from a pool of people who have no previous custodial experience. They know nothing about the job and are surprised to discover that prisoners do not automatically do what they are told by someone wearing a uniform. They can find the job much more challenging than they anticipated that it would be but, hitherto, were unable to get support from anyone.

A conspiracy of factors has contributed to the turnover figures coming down.

Michael Matheson: Is there an issue about the training that staff get before they go to work in the halls?

Phil Hornsby: The issue is not so much training. It is difficult to get through to staff how challenging the job is. I am not sure what management could do to improve that, other than have a body of experienced staff to lend support to new members when they join the service.

Michael Matheson: Thank you.

The Convener: I want to return to that line of questioning. I will quote from a response that a prison officer sent me, following the visit that the Justice 2 Committee made to Kilmarnock. The prison officers looked at the report of the visit and made a hand-written response. Will you please comment on the following response to my comment that the visit was stage-managed?

"Staff are being intimidated by Senior Management to a point of bullying. They are on a contracted 45 hr week and rostered on a shift pattern which at the end of an 18 week cycle they owe the prison 36 hrs. They are then ordered in on their rest days. If they refuse, they are put on a disciplinary charge."

Is that correct?

Phil Hornsby: That was the case until December of last year when the union said that enough was enough and we would not tolerate that sort of thing. Management was using a system that is known as time off in lieu. The problem was created by a quirk in the system that related to remuneration for additional hours worked. The problem was that people who did additional hours could not get their time off.

The other problem was that the pattern of attendance for staff produced fewer hours than the hours for which they were contracted. Staff were contracted for a 45-hour week, but the pattern of attendance produced only 43 and a half or 44 hours. Management said that staff owed that hour or hour and a half. It used the system to claw back the time at times that were inconvenient for staff. The result was a system in which staff could not predict time off and that was unacceptable to us. In fairness to the company, it agreed that that was the case and the system has now changed.

The Convener: However, the system lasted for a considerable time.

Phil Hornsby: It did.

The Convener: The second point was about staffing levels. I understand that, when the contract for staffing levels was negotiated with the SPS, no account was taken of the fact that prison officers in Scotland escort prisoners to court and so on. Those duties compound the problem of low staffing levels. Is that correct?

Phil Hornsby: I do not know, but at present such duties are an enormous drain on resources. It is one of the problems that contribute to the unpredictability of the staffing levels in the prison.

The Convener: Do you know whether that distinction was made? I understand that escort duty is privatised in England.

Phil Hornsby: It is, but I do not know.

Lord James Douglas-Hamilton: You mentioned that a private prison such as Kilmarnock could do with a 20 per cent increase in its complement of prison officers.

Phil Hornsby: Yes.

Lord James Douglas-Hamilton: Could the prison continue to operate more economically than a comparable prison in the public sector?

Phil Hornsby: Yes. I am sure that it could.

Lord James Douglas-Hamilton: How much of an increase could be made? You mentioned a 20 per cent increase.

Phil Hornsby: I am not an economist, but speaking as a trade unionist, I have to say that we do not anticipate that our members in the private sector will get similar rates of pay to those offered in the public sector. It seems unrealistic to expect that they would, as to do that would remove the purpose of privatising the prison. The company has to make a profit somewhere. It makes its profit because it operates with fewer staff at lower wages. That may be an over-simplification of the case, but that is the only way that it can work.

Lord James Douglas-Hamilton: Would I be correct in saying that, to secure the safety of staff, your main representation is on the number of staff?

Phil Hornsby: Yes.

Lord James Douglas-Hamilton: Rather than wages.

Phil Hornsby: That is not to lessen the importance we attach to wages. They need to be higher than they are, but that is not to say that they need to be up to public sector rates.

Donald Gorrie: We have been given conflicting information about the pension system for your members. Will you clarify the facts? What does the company pay and what do your people pay? Are there other points that you would like to make about the pension system?

Phil Hornsby: It is simple. The company will pay up to 3 per cent of gross salary, provided that the employee pays a similar amount.

Donald Gorrie: What percentage of your members choose to pay in their 3 per cent and take advantage of the pension?

Phil Hornsby: The information that I have is that about 25 per cent of them do so.

Donald Gorrie: So three quarters of them do not take up a pension. I may be asking you to read your members' minds, but is that because they see themselves as transient, and they think that it is not worth taking up the option for a year or two?

Phil Hornsby: It is because they simply cannot afford it.

14:45

Michael Matheson: How does that pension entitlement compare with the public sector entitlement?

Phil Hornsby: I understand that there are differences between the Scottish Prison Service and Her Majesty's Prison Service, in England. HM Prison Service has a non-contributory pension scheme for staff, but I am not sure what happens in the SPS estate.

The Convener: I think that Michael Matheson touched on staff safety. I will put a couple of points to you that my informant made to me. He states:

"The cameras in question are not on real time when replayed for investigation. It is on time lapse, making it very difficult to examine any incident, in particular all areas outwith Visit Hall."

Do you know anything about that?

Phil Hornsby: That is one of the problems with surveillance cameras generally. I have been told that they would never secure a conviction if one prisoner quickly punched another one, because the probability is that it would happen between frames, or some such technical explanation.

The Convener: My informant made another point about how dangerous it can be in the prison. He states:

"Many home-made weapons are taken back to Houseblocks and used against other inmates in assaults and bullying."

Do you know anything about that?

Phil Hornsby: No, I do not. I have not heard reports of that nature.

The Convener: He also states:

"Houseblocks are continuously working understaffed, in spite of continuous new start, they cannot keep up with leavers—HB I in particular."

I do not know what that means. Do you know what that means? Are houseblocks continuously understaffed?

Phil Hornsby: Yes.

The Convener: Michael Matheson has raised that point. I do not want to go through all the points that have been raised, but someone has taken the trouble to read the report and add his comments. He states that there is a

"lack of staff to patrol areas of prison"

and that they

"rely on cameras too much."

Phil Hornsby: That is a fair comment.

The Convener: It seems that the staff are in an invidious position. They are underpaid and overworked. The system has now changed, but they were due the company time and were disciplined if they did not work that time. They are not secure in the system. They are in a vulnerable position and they are inexperienced.

Phil Hornsby: Yes. That is the problem with low staffing levels in prisons.

The Convener: It is a pretty damning picture.

Phil Hornsby: It is, but to balance that, I should point out that the contracting authority seems to have been content to go along with the situation.

The Convener: So the SPS was happy with the situation.

Phil Hornsby: Yes.

Maureen Macmillan: I want to ask more questions about pay, although we have covered many of the issues.

The Prison Officers Association Scotland said that it thought that pay in Kilmarnock was as low as 60 per cent of pay in the SPS, in the public sector. You have said that there is a difference of about £5,000. Premier Prison Services has said that it is not interested in what is paid in the public sector; it is interested in what the market in the local area will sustain. That is why staff are paid what they are paid—pay is based on wage levels in Kilmarnock.

How do those rates impact on staff? Do they feel that they are grossly underpaid for the job that they do, or do they feel that the wage is good enough because of where they are?

Phil Hornsby: They feel undervalued because of their level of pay. I have never accepted the argument that the level should be determined by

what the local job market can stand. I suggest that few jobs in the local community are as challenging as that of prison officer. The officers are underpaid and, if the company wishes to retain good and loyal staff who will develop over the years, as staff in the public sector do, it will have to get its act together and pay its staff a bit more money.

Talking to the staff is interesting because they are the first to say that they are not greedy and do not want what staff in the public sector get. In some ways, you could say that the public sector has priced itself out of the market. Staff at Kilmarnock prison do not want that level of remuneration but they do want a fair deal. The highest paid officers at Kilmarnock earn about £13,500 a year, which is not very much. We calculate that 60 per cent of our members at Kilmarnock receive state benefits of one kind or another to support their income. You could say that the state is subsidising the operation of the prison.

Maureen Macmillan: Yes, it is. Thank you for that information.

In evidence to the committee, the Prison Officers Association Scotland stressed the importance of career development and criticised Wackenhut Corrections, which runs Kilmarnock prison. It was said that Wackenhut Corrections

"describes itself as taking a turnkey approach to custodial services."—[*Official Report, Justice 1 Committee*, 23 October 2001; c 2681.]

I know that there may be room for career development if people move to other prisons in England, but what opportunities are available within Kilmarnock prison?

Phil Hornsby: The opportunities are as good as they can be, given the constraint that there is just one contract in Scotland at the moment. The company promotes almost exclusively from within. That is to be applauded. At Kilmarnock, there are lots of examples of people going in on the ground floor and working their way up. For the ambitious, there are tremendous opportunities.

Maureen Macmillan: Working their way up to what?

Phil Hornsby: To supervisor levels and into management grades.

Maureen Macmillan: How much is a supervisor paid?

Phil Hornsby: Some of our members are at the first supervisor level and their pay has gone up from around £13,000 to around £22,000 a year. That is a big gap. Supervisors and managers are fairly well paid.

Maureen Macmillan: How many supervisors are there?

Phil Hornsby: I am sorry, but I do not know off the top of my head. You have caught me out there.

Maureen Macmillan: Do not worry—we can find out.

You spoke about the problems that staff have, for example, in getting time off for meals. How have you got on in negotiations with management about such problems? What are industrial relations like when it comes to discussing conditions of service? Are they difficult or easy?

Phil Hornsby: They are getting much easier. The company has changed an awful lot in the past year and there is now quite a refreshing attitude to industrial relations and to getting things right. I do not think that Premier Prison Services would say that they had got things right yet. They acknowledge weaknesses in staff pay and conditions.

Maureen Macmillan: What is the process for negotiating pay and conditions? I believe that there is a joint committee. How does it work?

Phil Hornsby: A body of managers and union members meets frequently. Initially, that happens at local level but, as with most such things, an impasse is invariably reached, at which point senior colleagues and I get involved. That is what happened this year.

Lord James Douglas-Hamilton: You mentioned the fact that there is a £5,000 differential between pay for prison officers in the public sector and pay for prison officers in the private sector. You mentioned that you would like a 20 per cent increase in the number of staff. By roughly how much would you like the differential of £5,000 to be reduced?

Phil Hornsby: I would not want to put a figure on it. We want as much as possible for our members.

The Convener: I would like to ask about the contract and the need to comply with it. I understand that, if there are assaults in the prison, the company is fined. Does that have the effect of reclassifying incidents? Do your members tell you that?

Phil Hornsby: No, they do not.

The Convener: So you do not think that we should be concerned that serious assaults are being reclassified as something else. I think that that is something that Clive Fairweather alluded to, and might even have stated, in his report.

Phil Hornsby: That undermines the integrity of the SPS controller who is resident in the prison. His role is to ensure that such things do not happen. I know that he has his ear to the ground

and I do not think that he misses anything of that nature.

The Convener: I might put that to Clive Fairweather when he comes before the committee.

Donald Gorrie: You have knowledge of Kilmarnock and of a large number of English prisons in which your members work. Are there things that we do better in Scotland with regard to the contract and the involvement of the prison administration, or are there things that the English do better and from which we could learn?

Phil Hornsby: I have not really noticed any difference at all in the two contracting authorities, but I feel particularly strongly about the apparent injustice between the public prisons and the private prisons. Not everything that goes wrong in a private prison is down to the company that runs it. Low staffing levels can be laid firmly at the door of the contracting authorities. They are aware of the staffing levels and they know how many people they need to run their own prisons. It seems reckless in the extreme to allow other prisons to operate with far fewer staff—a dangerously low level—just because they are privately managed.

There are other injustices of a more general nature. One of the general staffing problems at Kilmarnock is staff sickness. If, for example, six officers were to report sick in a publicly administered prison, the governor of that prison would curtail certain activities to allow safety to be maintained. That cannot happen in a private prison or there will be financial penalties. Penalties would be imposed if they were to close down the workshop or something of that nature. That seems to be a grave injustice to the private sector.

Donald Gorrie: There seem to be serious defects in the contract drawn up by our side.

Phil Hornsby: Yes.

The Convener: As you know, many of us have great difficulty in getting information about Premier Prison Services, Kilmarnock Prison Services and other members of that corporate family. How successful is your union in getting information?

Phil Hornsby: I have never been refused anything that I have asked for.

The Convener: Have you seen the whole contract?

Phil Hornsby: No, I have not.

The Convener: Have you asked for it?

Phil Hornsby: No, I have not.

The Convener: If you asked for it, it would be interesting to see what you got.

Phil Hornsby: We shall see.

The Convener: Perhaps we should pose that challenge to you. If you are successful, we could have you back to give evidence on it, because we cannot get to see it all. Will you take up that challenge?

Phil Hornsby: Yes, I will.

The Convener: Thank you. That is excellent and very helpful.

I thank our other witnesses for their patience. We let the last item run on longer than we anticipated, for reasons that will become obvious. I welcome Bill McKinlay, who is the governor of HMP Barlinnie. Mr McKinlay gave evidence to us in November, when he was fresh in the saddle. Now he is ready to tell us all. I am glad that you could make it, Bill. I was rather concerned that we would not have our governors here today because of a briefing that the SPS was giving, but I trust that the matter is in hand—or have I misunderstood?

Bill McKinlay (Scottish Prison Service): It was not a briefing; it regarded operational issues concerning some recent incidents, which were well publicised.

15:00

The Convener: That is fine. Wires must have been crossed. I am delighted that you could come. I would like us to continue on a harmonious basis. We want to be helpful to the Scottish Prison Service.

Donald Gorrie: I have a slight sense of déjà vu, because Michael Matheson, Paul Martin and I had a helpful and informative visit to Barlinnie yesterday. However, we will now get some information on the record. We discussed staff morale and we heard from various people that morale is, or was, low. Is it getting better? Was the low morale related to uncertainty over the prison estates review, or was it due to inadequate communication in the jail because of the huge pressure of work that is imposed on staff as a result of the movements of prisoners?

Bill McKinlay: Not knowing the recommendations of the consultation on the estates review gave rise to concern and frustration rather than low morale. Staff were concerned because Barlinnie is one of the prisons that is central to the review. On the results of the review, there is concern about the reduction in staffing, even though guarantees have been given that there will be no redundancies and no cash cut to wages. Staff perceive that there is more stability, because they know the recommendations that have been made on the future of Barlinnie and that it will not close.

There are still issues to do with communication within the SPS, between local management and staff and between management outwith the prison and staff. Central to my business plan for next year are a number of improvements to communication with staff throughout the prison estate.

In addition, the significant changes that have taken place are unheard of in the 31 years that I have been in the service. They include recent changes to the staff attendance system as well as the estates review. There have also been negotiations on new pay deals. There has been a multitude of issues. All is not well with communications, because we still have a lot of work to do.

Donald Gorrie: My second question is on the number of prisoners and what you would like to happen at Barlinnie if money can be found for it. The prison estates review suggests that Barlinnie should have around 500 prisoners. The figure of 800 has been suggested, but at the moment you have more than that, because you are grossly overcrowded. What would be the best figure? What categories of people should you deal with? What changes to buildings would be required to achieve that desirable figure?

Bill McKinlay: There is a lot in those questions. I cannot speculate on the outcome of the consultation process on what will happen at Barlinnie, but I will say that the site is invaluable. I have said that to people and it was minuted and stated in the estates review report.

At the moment, Barlinnie is 40 per cent overcrowded. We have a capacity of 844 but this morning the number, which has gone down slightly, was 1,211. In the estates review, it is mooted that 700 is the size that can be best managed. The choice of the best model to work on was a matter for operational directors and others with operational experience of running prisons. If the number of prisoners at Barlinnie were down to the available capacity of 844, I would be able to do much more with the prisoners than I can at the moment.

On the recommendation that Barlinnie should have a capacity of approximately 550, that figure is the capacity that is needed to service the courts. The estates review report states that that is what would be required in the first instance before determining the usage or redevelopment of the site. Obviously, I am not happy having a prisoner population of more than 1,000, as such overcrowding has a great impact on the regime. As Mr Hornsby said, 700 seems to be a good, manageable number. Having already managed a prison of 540-odd, I am now managing a prison of more than 1,000. Have I covered all your points?

Donald Gorrie: Briefly, what should be done to the building to achieve that optimum figure?

Bill McKinlay: The buildings are antiquated—as I think I said in my written evidence—and Victorian. They are just not fit for the purpose. It will not matter what we do with them—

The Convener: Sorry, but I think that most members have been to Barlinnie. I have been round it a couple of times, so we know the situation.

Bill McKinlay: I wanted to state that for the record. I had visited Barlinnie for some reason once before, but even I would have to say that a significant investment would be required to upgrade the facilities. Even then, the prison would not have the ancillary buildings that are needed to support education programmes and a whole range of activities. The prison is bitty and unplanned; it is not serviceable. That sounds awful, but that is the fact. A significant amount of money—and the inconvenience of rehousing prisoners—would be required to do anything on that site.

However, as I said, the site is significant because of its location near to the courts. Yesterday, I think that 37 prisoners went out to court. A total of 177 people went through the courts yesterday. I have already indicated to the committee that we have 130 movements a day. The other day, 33 staff were required for escorts. That number of movements presents a significant challenge, so the location is important. The prison needs to be near the hospitals and near the courts. The fact that the prison is in the community is important because the untried prisoners need to be near their relatives, their solicitors and the courts. A range of factors influences the siting of a prison.

The buildings can be renovated, but even the most expensively renovated of our existing buildings—an old Victorian hall, which has now been split into four groups—still lacks facilities. We cannot deal with programmes, we cannot conduct interviews and we do not even have dispensing rooms for the health centre. There is a range of issues. Does that sufficiently answer your question or do you want me to go on?

The Convener: I missed whether Donald Gorrie asked this question, but what would happen to the staff if, instead of Barlinnie's population being reduced to what appears to be a reasonable figure of 800, it was reduced to around 500, as is proposed?

Bill McKinlay: I do not have any facts on whether we will ever get to 500, but the history of Barlinnie indicates that that might be difficult to reach.

The Convener: Perhaps if Barlinnie was built for

500, you might have 40 per cent overcrowding again and have a prison population of near to 800.

Bill McKinlay: That depends on a multitude of things, including the judicial system and whether there are alternatives to imprisonment. The estates review report indicates that the number of staff will decrease by about 260. There will be no redundancies or cash cuts. Basically, as we have a turnover of around 40 staff a year, we could absorb a fair number of staff losses over six years by not recruiting.

There are other alternatives, but it is difficult to predict what will happen. If somebody had predicted six years ago that I would be giving evidence to this committee, I would probably have said, "No, I am here to govern prisons and get on with the business of prisons." I do not know what will happen in the next six years but I can say that the staff will be safeguarded. I have read in the report and I have been told by the board that there will be no redundancies. Voluntary redundancy packages might be offered or we might be able to rely on natural wastage.

The Convener: Alternatively, the staff will go and work in a private prison.

Bill McKinlay: I would not say that.

The Convener: If we were to build privately run prisons, some of the staff would presumably go to them.

Bill McKinlay: They might choose to go to them but, as I said, the figures that I have for the turnover in Barlinnie over six years work out at about 240 to 260 members of staff.

The Convener: Can you explain again what you said about cash cuts? The issue has come up before. I think that Tony Cameron, the chief executive of the SPS, said that there would be no cash cuts. What does that mean?

Bill McKinlay: It means that, although we would employ staff in other duties that might have been advertised at a lower salary, we would protect their salary.

The Convener: Or freeze it.

Bill McKinlay: Yes.

The Convener: Would they get the pay increases that would apply to that salary level?

Bill McKinlay: You would need to ask the people who are involved in the negotiations. I have not heard about a freeze. I have heard that there will be no cash cuts and that pay will be protected.

Michael Matheson: I thank Bill McKinlay for organising our visit yesterday, which was helpful and informative.

The prison estates review gives three options for

Barlinnie: a full refurbishment of the halls; a rebuild on the site; and the retention of the fully refurbished halls coupled with the building of a new house block. This is a big question, but I would like you to take us through the pros and cons of those options.

Bill McKinlay: I can understand the difficulties associated with a full rebuild on the site in terms of demolition, housing prisoners and trying to find space on the site. I have already indicated that refurbishment would be expensive and would not suit the needs of the service for the next 50 or 60 years, given what we are attempting to do with prisoners, as it would result in a bitty and ill-planned arrangement.

On the halfway house option, which involves the retention of the fully refurbished halls coupled with the building of a new house block, my view is that, until the development plan is in place, Barlinnie will continue to require good accommodation that does away with slopping out. That means that renovation is a top priority for me.

I know that I am not answering your question in terms of the outcome of the review, but that is because I cannot give such an answer. I can say that the best option will be determined by a consideration of the prison's population at the time and by what happens as an outcome of the estates review and the consultation.

Michael Matheson: If what is proposed in the estates review goes ahead, will it be five to six years before slopping out is ended at Barlinnie?

Bill McKinlay: From my reading of the situation, that will be the case if we adopt the quickest recommendation after the consultation process.

Michael Matheson: If, after the consultation period, a decision is made to re-examine the proposals and to consider options other than private—whether they be the private-build, public-staffed option or the public-build, public-staffed option—that might throw up further delays in the building of new prisons, which could mean that slopping out at Barlinnie continues for longer. If there were to be such a delay, would the existing halls have to be refurbished to provide sanitation in the cells?

Bill McKinlay: I would like to think that that would be considered, given the time scale. However, I would also have to consider the cost involved in doing that six years from now. The outcome of the upcoming court case on slopping out could also have an impact on that.

No one in the service, from the chief executive down, supports slopping out, but until the consultation process is over and someone makes a decision about what will happen, I will know only what is recommended, not what Barlinnie's future

will be. However, I will continually push for the improvement of the ambience and environment within which staff work and prisoners are held.

15:15

Michael Matheson: Do you consider a delay of more than six years to end slopping out to be acceptable?

Bill McKinlay: I do not consider slopping out to be acceptable or suitable now. That is why I am pleased that there has been an estates review to end slopping out and that that review is in the public forum. I am not blaming anyone. I was going to say that the situation that has arisen is the culmination of years of neglect, but I do not necessarily mean neglect, as we have maintained the estate as we have gone along. Until five years ago, the issue of toilets was not significant, so I do not seek to blame anyone.

Most of the estate is antiquated and needs significant investment. All of us—not just the SPS—tend to adapt things and think of other options. Adaptation has a limit and the limit in our estate has been reached. It is no longer possible to adapt again. We need to change. We need new facilities that will help us with our jobs, staff and prisoners into the next century. A decision must be taken now. I do not support slopping out.

Maureen Macmillan: I want to return to the issue of overcrowding and its impact on what goes on inside prisons. You heard the evidence on what happens in Kilmarnock prison and how the prisoners are outwith their cells from 7 am until 9.45 pm. They go to workshops. Perhaps there is not much in terms of anger management programmes, but things are happening in the prison all the time. If there is 40 per cent overcrowding, that must have a severe impact on the programmes that can be delivered. Will you tell us about that impact? What would happen if there was not 40 per cent overcrowding? What would be the ideal programme in the prison?

Bill McKinlay: We delivered to our target on programmes last year. Programmes must continue and we try to protect them, no matter what the circumstances. We must also protect people's ability to get to court and to have visits. Overcrowding impinges on other areas, such as recreation. I try not to let it impinge on work activity, because it is important to have work in a prison, as Mr Hornsby said. We have around 650 places a day and we have split the establishment into two so that people go to work for four hours at a time, either in the morning or the afternoon. If they are not at work, they may be engaged in programmes, education or visits. If they are not engaged in such activities, they are in their cells.

Maureen Macmillan: How much time do they

spend in their cells?

Bill McKinlay: That depends on the individual and what they are engaged in. They should spend as little time as possible in their cells. However, prisoners at Barlinnie spend much more time in their cells than would be the case in Kilmarnock prison.

Maureen Macmillan: I presume that they spend more time in their cells as result of overcrowding.

Bill McKinlay: Obviously. We still have to do the same things to manage the prison, whether there are 800, 900, 1,000 or 1,200 prisoners.

Maureen Macmillan: We discussed the projected rise in the prison population. Many prisoners will probably be short-term prisoners. If we want to combat the rise in prisoner numbers, we must look at recidivism. What are you doing in Barlinnie to reduce recidivism? What programmes are specifically targeted at reducing it?

Bill McKinlay: I have looked at the figures because our esteemed guests yesterday raised the issue with me. I have tried to establish, for my information, what is happening. Executive statisticians have been trying to predict and project forward. Barlinnie has had a general increase in adults convicted short term, adult remands and young offender remands. That is not a significant across-the-board increase, but the total numbers have increased quite a lot. We discussed the figures last week in preparation for this morning's meeting. The population figure of 6,500 is the highest that the service has incurred. There are nine programmes for convicted prisoners and four for remand prisoners. If you want, I can quickly list the programmes.

Maureen Macmillan: Yes, please do so for the record.

Bill McKinlay: For convicted prisoners, there are the STOP 2000 programme and courses in anger management, cognitive skills, problem solving skills training, drug rehabilitation and drug education/harm reduction/alcohol awareness. There is a new deal course, run with the Employment Service, for getting people into work and education. There is also the community sports leaders award and the employability pre-release course. For our remand prisoners, we have courses in drug awareness, activity support, alcohol awareness, a first-aid course called Heartstart and adult literacy. We also have education programmes and work.

Maureen Macmillan: That is a comprehensive list. Are you prepared to say whether some prisoners in Barlinnie should not be there? Do you feel that the courts should be using other sentences or disposals for short-term prisoners?

Bill McKinlay: The courts must determine

whether to use alternatives to prison sentences. I have to carry out what is on the warrant. If alternatives were tried, one would expect a reduction in the size of the prison population. However, we apparently have higher detection and prosecution rates now. Crime could be decreasing, but the conviction rates could be increasing.

I have no doubt that there are people in prison who should not be there. For example, there is an issue about fine defaulters, but it is not for me to say what should happen to fine defaulters. That decision is for the court that imposes the fine. Some people with drug problems who are in prison because of a drug treatment order or the drug courts could perhaps be dealt with differently. One of the prisoners told the visiting group yesterday that prison had saved his life, because he has been free of drugs and has had health care and a bit of safety for a period.

There are issues, therefore, around what we do with those who are dependent on alcohol or drugs. That is not to be critical of what is out there—but you might say that I would say that. However, there must be alternative ways of dealing with those types of individuals.

Maureen Macmillan: How much difference would it make if something else were done with fine defaulters and people who have alcohol and drug problems? What percentage of prisoners falls into those categories?

Bill McKinlay: It is difficult to determine that accurately, because we are unsure of the size of the dependency problem. We know that people are coming in who have used drugs, but we do not know whether they are dependent or casual users. We must deal with that issue by concentrating in the short term on assessing needs and risks. When the prisoners are inducted, they are asked whether they take drugs, but there is no test to determine how heavy their usage is. We have a less-than-exact science for determining that. Currently, it is not worth making a guess.

The Convener: I want to move on to the issue of the sex offenders programme in Barlinnie, which we raised previously with you. Some committee members have grave concerns about the proposal to close HMP Peterhead and dismantle its sex offenders programme.

I have a couple of references on that issue. One is the chief inspector's recent report on Peterhead, in which he states:

"The culture of the establishment and its holistic approach to sentence management is a key factor."

He is referring to the successful delivery of the STOP programme. I take you back to 13 November 2001, when you said that Barlinnie had

54 sex offenders. What is the figure now?

Bill McKinlay: The figure is 46.

The Convener: On 13 November, you also said that some of them were long-term prisoners who were waiting to be transferred to the STOP 2000 programme at Peterhead. How many have been transferred since then?

Bill McKinlay: I have only two long-term prisoners who await release. Nobody is waiting to go to Peterhead.

The Convener: Are the other sex offenders short-term prisoners?

Bill McKinlay: I have two long-term prisoners who await release and another two long-term prisoners, but they are not waiting to go to Peterhead.

The Convener: Is the number that you gave us for short-term prisoners?

Bill McKinlay: Yes.

The Convener: Will you tell us again for the record the definition of short term?

Bill McKinlay: A short term is less than four years.

The Convener: I will read from the *Official Report* of our meeting on 13 November 2001. You gave evidence that you had been the governor of Shotts, so you spoke about Shotts as well as Peterhead. You said:

"For the programme to work, people have to be protected—they have to be kept separate. The programme is resource intensive."

I am trying not to quote too selectively and to give a fair balance. You also said:

"That said, it was more difficult to manage the STOP 2000 programme"

in a prison other than Peterhead. In pursuing that line of questioning, I said:

"You think it works—

the programme—

"but you are saying that you pretty much run a prison within a prison."

I was talking about the use of Letham hall at Barlinnie, and you agreed that Letham hall was a prison within a prison.

When I asked you about Peterhead, you said:

"If you are asking about the benefits of a dedicated system, I would say that I prefer vulnerable prisoners and sex offenders to be in separate units."

I pressed you and asked:

"Would it be better if there was a dedicated prison in Scotland?"

You replied:

"From a management perspective, the answer is yes."—
[*Official Report, Justice 1 Committee*, 13 November 2001; c
2765-66.]

I have quoted fairly to give a flavour of your position. Does that remain your position?

Bill McKinlay: I think that I said that the programme is accredited.

The Convener: I do not dispute that.

Bill McKinlay: The programme can be and is run in other prisons. It is better for sex offenders and vulnerable prisoners to have a separate estate or segment of an establishment. That could be a prison on its own. I was interested in Professor Marshall's comment in a recent report that the maximum number of sex offenders that should be held at Peterhead is about 400. He said that if the figure were higher than that, two establishments should each hold a smaller number of prisoners—230 could be held in Peterhead and 230 elsewhere. Professor Marshall says that prisoners can go elsewhere.

The management of the programme is determined by how the programme is best delivered. Some say that a monoculture is not the best way, but others say that it is. My view is that a separate prison with 550 prisoners would be acceptable. Equally, I do not demean the work that is undertaken in Letham hall or in other prisons on the STOP 2000 programme.

The Convener: I was not doing that.

Bill McKinlay: I understand that.

The Convener: That was not the intention of my questions. We have evidence from prison officers, from prisoners—critically—and from wives of prison officers at Peterhead who feel that they operate better at that prison. Prison officers and prison officers' wives are not victimised.

Prison officers at Peterhead can walk about in their uniforms in Peterhead, because no stigma is attached to their working at the prison. They feel that if they worked with sex offenders in a mainstream prison or in an establishment that was umbilically attached to a mainstream prison, they would suffer. All those categories of people are coming to my desk and sending me e-mails to say that.

15:30

Bill McKinlay: I do not accept that that would happen or has happened. To give an instance of that, no stigma is attached to the staff who operate in Letham hall, which is the one that I am used to. In fact, no stigma is attached to staff in any of the programmes. When the cognitive skills programme was introduced, people were

unfamiliar with programmes and thought that the staff were pampering prisoners. It has become clear to most staff that programmes are important and that staff engagement in programmes and with prisoners benefits the whole establishment. I have not experienced stigma with regard to staff who operate the STOP programme or the STOP 2000 programme either in Shotts or in Barlinnie.

The Convener: Although we are speaking about Barlinnie, the experience at Peterhead reflects on the placing of a sex offenders programme in a mainstream prison. When we visited Peterhead, I found from speaking to prisoners and prison officers that the programme works because the prison is dedicated to sex offenders. The atmosphere of the prison is one of dealing with sex offenders—there are no other prisoners apart from sex offenders so all the prisoners are in it together. Treatment takes place not only through the programme, but in every living and breathing minute that prisoners spend in the prison. The culture of the place is important. I do not want to diminish activities that take place elsewhere, but it seems that such programmes are better if they are done that way.

Bill McKinlay: I accept that a culture has been built up and operates in Peterhead, although there is a need to evaluate it. That does not mean that such a culture cannot be built or operated elsewhere or that it cannot be transferred elsewhere. If the physical conditions were such that it was necessary to move the establishment—or there were other reasons for doing so—we would move the unit and manage the movement. We would try to ensure that the culture was replicated. When I visited Peterhead last year, I was impressed by what was happening there, but that does not mean that the same achievements cannot happen elsewhere or that they cannot be bettered elsewhere.

Maureen Macmillan: We are concerned that the expertise of officers in Peterhead might be lost if a transfer took place. You say that you are convinced that a transfer could be managed, but have you considered the loss of expertise? A percentage of the prison officers at Peterhead might decide that they do not want to move because they have settled there.

Bill McKinlay: I suppose that if all the officers who are involved in the STOP 2000 programme won the lottery next week, they might choose to go elsewhere. In that case, we would have to rethink the matter. Staff from Barlinnie went to Peterhead to help set up the STOP 2000 programme. There are other staff in the service who are capable of delivering the STOP 2000 programme. The standards of the programme are monitored by psychologists and by an accredited group. I am not saying that a transfer would not be difficult or

that Peterhead's achievements are not remarkable or that we should not try to protect Peterhead. I am saying that the SPS must consider how best to protect the programme if we decide that it will have to move.

Maureen Macmillan: The local community in Peterhead is perceived to be quite happy for the prison to be there. If the facility were moved to another part of the country, there might be difficulties. What is your experience from Shotts and Barlinnie of local populations that know that there are sex offenders in the local prison?

Bill McKinlay: At Barlinnie, I have not canvassed the local population. It would be particularly difficult to do that. As I said on the previous occasion that I gave evidence, at Shotts, pressure groups were set up in the community because long-term prisoners were being held in the prison. As I remember it, there was no difficulty with having 117 vulnerable prisoners, of whom roughly 70 were sex offenders, or with the programme operating there. At that time, the prisoners complained that they were being moved to Peterhead. However, the facility has moved to Peterhead and the prisoners have settled there.

To answer the question, the local community's view would depend on the location of the prison and on the nature of the prison. However, the programme will be protected. More than anything, the important point is the facilities that people have to endure.

Maureen Macmillan: When you talk about the facilities that people have to endure, are you talking about physical facilities?

Bill McKinlay: Yes. I started there as a young officer in 1971. When I went back last year, the physical conditions at the prison were just the same. However, the environment and the culture were by no means the same. In those respects, it was a different world.

Maureen Macmillan: I want to ask about officers' experiences of delivering programmes. At Peterhead, they think that they have something special that cannot be delivered elsewhere.

Bill McKinlay: They do indeed have something special, but there are other officers who think that they have something special too—delivering the STOP programme in Barlinnie. Admittedly, at Barlinnie they deal with a smaller number of people. Of course, people at Peterhead have a right to think that they have something special, because they are doing good work up there. Whatever happens, it will be important to ensure that they are still engaged in the STOP programme.

Maureen Macmillan: Have any sex offenders at Barlinnie been assaulted, or have any of their

visitors been intimidated?

Bill McKinlay: The answer to both questions is no. I have no record of that happening.

Michael Matheson: I want to discuss whether sex offenders should be in a separate prison or in an isolated unit within a prison. I have visited Peterhead and I have visited Letham hall twice. I was left with the impression that sex offenders want to be treated just like any other prisoner. Many of them have been through the system and been subjected to physical, emotional and verbal abuse. We have to create the optimum environment for dealing with their offending behaviour.

I do not want in any way to play down the excellent work of the dedicated staff at Letham hall, but I cannot help but feel that Peterhead has that special thing—the optimum environment for delivering the programme to long-term sex offenders. Part of the reason for that is that the prisoners at Peterhead feel that they are just like any other prisoners. Prisoners at Letham hall and at Shotts may be in isolated units and may be protected, but they know that they are different. They are isolated. When they look out of their cell windows, they look across to the main part of the prison which, unless they are escorted, is a no-go area for them.

Can we provide an optimum environment in a prison within a prison? I am not convinced that we can.

Bill McKinlay: I suppose it depends on what a prison within a prison is—in other words, on how the prison is segmented and run. The prison estate as a whole has to be reviewed with regard to the needs of many other types of prisoners. Not only sex offenders need protection from other prisoners. Vulnerable prisoners with personality disorders and high-dependency prisoners need protection too and cannot go into normal prisoner circulation.

I do not disagree with the prison model for delivering programmes but it is not for me to say whether that should be done at Peterhead or elsewhere. Depending on the outcome of the estates review, a new prison with better facilities could be built elsewhere or at Peterhead. We could then be in the position of transferring the skills and the competence, and setting up and encouraging the culture, in better conditions.

The convener was right to talk about the management perspective. If such groups of prisoners can be separated by some means—either by segmenting the prison or by having a separate prison—then fine. However, there would be a significant cost involved in separating all those groups and not only sex offenders.

Lord James Douglas-Hamilton: Is there a certain number of accumulated visits? Do prisoners at Peterhead regularly come down to Barlinnie and Shotts to meet relatives and accumulate visits?

Bill McKinlay: I would have to check that for Barlinnie. I have no knowledge of people coming down to Barlinnie. However, it could happen.

Lord James Douglas-Hamilton: Is it not the case that, before release, a considerable number of prisoners from Peterhead come down to other prisons and are met by social workers?

Bill McKinlay: Yes.

Lord James Douglas-Hamilton: Is there a particular reason for social workers in the central belt being unable to go up to Peterhead to see the prisoners?

Bill McKinlay: There is not. However, because the two long-term prisoners who are housed in Letham hall at the moment will be released into the neighbouring community, it is more convenient that they should be close to that community.

Lord James Douglas-Hamilton: More convenient for whom?

Bill McKinlay: For the prisoners. Because they are due for liberation, a range of agencies besides social workers—for example, housing and health bodies—may need to engage with them. That is the case with schedule 1 offenders in particular.

Lord James Douglas-Hamilton: Am I right in thinking that Barlinnie is one of several prisons involved in that process?

Bill McKinlay: Yes.

Lord James Douglas-Hamilton: So a number of prisons are involved.

Bill McKinlay: Yes. Edinburgh prison is also involved.

Lord James Douglas-Hamilton: Does where a prisoner is housed before release depend to some extent on where the prisoner's family is and where he is likely to be reintegrated into the community?

Bill McKinlay: That is correct.

Lord James Douglas-Hamilton: As far as you can see, there is no problem with that arrangement at present.

Bill McKinlay: No. If there are any problems, those have not come to my attention.

The Convener: Can you provide us with information on the number of visits received by sex offenders at Barlinnie?

Bill McKinlay: Are you referring to domestic visits or agency visits?

The Convener: I am referring to domestic visits.

Bill McKinlay: For all sex offenders?

The Convener: If you have figures for different categories of prisoner, those would be quite useful to us. It has been suggested to us that sex offenders in Barlinnie are visited more often.

Bill McKinlay: I can provide that information.

The Convener: I do not want to set prison against prison. However, when we visited Peterhead prison, staff at the prison expressed concerns about the quality of the STOP programme that is delivered at Barlinnie. They said that staff at Barlinnie were not receiving education of a sufficiently high standard to enable them to run the programme.

Bill McKinlay: The staff involved in the programme are certificated and have a psychologist manager who is part of the national team that oversees the programme. That person is called a treatment manager. There are standards set for the programme that must be adhered to. If they are not adhered to, accreditation will be removed.

The Convener: How long has the programme been running at Barlinnie?

Bill McKinlay: For two years.

The Convener: How long has it been running at Peterhead?

Bill McKinlay: The STOP 2000 programme has been running for two years. The STOP programme started at Barlinnie in 1998. I think that it started at Peterhead in 1995, although I am not sure about that.

The Convener: I do not want us to explore the different kinds of STOP programmes, because if we do I will get into a muddle. I know that there are two different names for the programme. After the meeting I will read what has been said about it the *Official Report*.

Lord James Douglas-Hamilton would like to ask about alternatives to custody.

Lord James Douglas-Hamilton: The governor has already answered my questions on that subject.

Donald Gorrie: Yesterday we discussed at length the revolving-door syndrome. It may be impossible for you to answer this question, but if you were the boss man, what would you do to end the revolving-door syndrome?

Bill McKinlay: Along with other agencies in the judicial and social systems, I would continue to examine alternative ways of dealing with some of the problems that affect both individual prisoners and the society to which they are returning.

Michael Matheson: Is there not a revolving door on the way into Barlinnie?

Bill McKinlay: Off the record, the answer to that question is that there is.

The Convener: As members have no further questions to the governor, I thank him very much for his evidence.

We have the opportunity to break for five minutes, but I would prefer to press on. I ask Ian Bannatyne to come into the hot seat. Mr Bannatyne is the governor of Low Moss prison. Before we ask you any questions, it would be useful to the committee if you could debrief us or tell us something about what has happened at Low Moss, what caused it, what the resolution is and whether anybody was hurt.

15:45

Ian Bannatyne (Scottish Prison Service): Since 12 February, we have had three incidents at Low Moss, which resulted in some damage to property in three of the accommodation dormitories. The early indications that I have at present are that the incidents in each of the three dormitories were drug related.

The Convener: I asked whether anyone had been harmed, either prisoners or prison officers.

Ian Bannatyne: No member of staff and no prisoner has been injured.

The Convener: Have you any idea of the extent of the damage?

Ian Bannatyne: I do not yet have an estimate of the total damage. Since the first incident, which occurred in dormitory 14 on 12 February, a decision to proceed to repair has not been taken at this stage. I am not able to recall the estimate for repair on dormitory 14.

The Convener: How many prisoners were involved in each of the three incidents?

Ian Bannatyne: Dormitory 14 contained 30 prisoners.

The Convener: When was that incident?

Ian Bannatyne: It was on 12 February. There was also an incident seven or eight days ago, which involved 25 prisoners. Most recently, another 25 prisoners were involved in another incident.

The Convener: Not the same prisoners?

Ian Bannatyne: Not the same prisoners and not the same dormitory.

The Convener: Members may want to pick up on that point later.

Donald Gorrie: I have not yet had the

opportunity to go to Low Moss. As I understand it, the options seem to be either to build new residential accommodation, to rebuild the prison totally within the existing site or to close the prison and use the site for an entirely new prison. Could you lead me briefly through the pros and cons of those approaches?

Ian Bannatyne: The estates review offers the options that you indicated. We could build on the site, but that would present some difficulties. The estates review indicates that some land may be available at the bottom of the site, but we would be building while attempting to keep the place open, which would be extremely difficult. The estates review indicates that the maximum size of prison that that would offer the SPS is for 500 prisoners and not for the 700 optimum that has already been discussed by the committee.

The second option is to close Low Moss and either rebuild on the site or move somewhere entirely separate. The difficulty with that option is that, as Mr McKinlay has explained, Barlinnie is 40 per cent overcrowded. If we were to close immediately without alternative accommodation, the overcrowding difficulty would clearly be exacerbated.

Donald Gorrie: Thank you. That is helpful. The staff are obviously concerned that the option of closing Low Moss altogether is on the table. Is the uncertainty the only problem with staff morale, or are there other issues relating to the conduct of the Scottish Prison Service or anything else?

Ian Bannatyne: Most of the staff understand that the estate as it stands is not fit for purpose. Some members of the committee have visited the site and will be aware of the construction of the billets and how they relate to the industrial complex, the dining hall and the other ancillary facilities. The staff are aware that, in the 21st century, the accommodation is not fit for purpose. My belief is that morale is not low in the sense that it is affecting staff performance, but there is a degree of uncertainty that will not be removed until decisions on the proposals in the estates review are made.

Michael Matheson: I understand that a feasibility study that was undertaken into the future redevelopment of Low Moss was published in April 2000. What did that study propose?

Ian Bannatyne: I am not aware of any feasibility study having been undertaken.

Michael Matheson: Was no study whatsoever undertaken?

Ian Bannatyne: I am not aware of one.

Michael Matheson: The evidence that we have received, such as that which the POAS provided last week—I do not know whether you have seen

that—suggests that a proposal was made. There were two options: a £41 million option and a £42 million option.

Ian Bannatyne: I am not aware of that; I have seen no report to that effect.

The Convener: I think that Mr Matheson is referring to “Constructing the Future: A Feasibility Study into the Future Redevelopment of Low Moss Prison”, which is dated 21 April 2000, for governor Eric Murch. Are you not aware of that document?

Ian Bannatyne: No.

The Convener: You have never seen it?

Ian Bannatyne: I have never seen it.

The Convener: We must do something about that, because it is a feasibility study of your prison and it would be useful for you to see it.

Lord James Douglas-Hamilton: When did you become governor of Low Moss?

Ian Bannatyne: In October of last year.

Lord James Douglas-Hamilton: That was some time after the feasibility study was undertaken.

You mentioned 500 places. Can the site be redeveloped as a new prison with 700 places, or would you be uneasy about that?

Ian Bannatyne: I do not have information on that to hand.

Lord James Douglas-Hamilton: I am not asking you for information. I am asking whether you think that it would be possible or desirable to redevelop the site as a 700-place prison.

Ian Bannatyne: I do not have the technical skills to make a decision about the design of a prison on the land that is available for development at Low Moss.

The Convener: What is the population of Low Moss?

Ian Bannatyne: This morning it was 266.

The Convener: I want to ask you about drugs. You have had three drug-related incidents since February. Did you have incidents last year?

Ian Bannatyne: We had five incidents last year. I have commissioned research that will consider the incidents that I described today as well as all the incidents that occurred last year and establish whether any strands run through them, to allow us to manage them better.

The Convener: Will there be any other inquiry into the incidents? How many incidents are we talking about?

Ian Bannatyne: Police inquiries will be carried

out into the three incidents that I mentioned.

The Convener: Were the incidents that occurred in 2001 of the magnitude of recent incidents?

Ian Bannatyne: No.

The Convener: So we are not comparing like with like. Recent incidents are of a new dimension in Low Moss.

Ian Bannatyne: There have been destructions of accommodation in Low Moss before, but they did not occur with the frequency with which recent destructions have occurred.

The Convener: What do you think is the reason for recent incidents? Are they to do with the prison estates review? I do not think that prisoners are very interested in that.

Ian Bannatyne: I doubt whether the incidents are to do with the estates review. The population, and society, is changing in relation to drugs. My guess is that the drug of opportunity has also changed.

The Convener: Sorry?

Ian Bannatyne: I understand that it is now very difficult to get heroin on the streets and that the drug of opportunity is cocaine.

The Convener: Why does that have an effect on riots, if I may use that word?

Ian Bannatyne: Crack cocaine has a different effect on users than does heroin.

The Convener: So the drug that is used has changed.

I visited Low Moss before your time. Your predecessor told me that, because Low Moss is not a high-security prison, it was possible for people to throw drugs over the fence. He also told me that he and his officers spent time simply picking up packets of drugs that had been thrown over the fence. Does that still happen?

Ian Bannatyne: Yes. Drugs also come in through visits and in other ways.

The Convener: We know how drugs can be smuggled in through visits, but I found it astonishing that people could simply lob them over the wire. What routine do you follow in dealing with that situation?

Ian Bannatyne: Patrols go around the fence to look for drugs and to ensure that drugs are picked up. We also have cameras, and if drugs are spotted on camera, we go and get them.

The Convener: What is your recovery rate? How many drugs do you pick up?

Ian Bannatyne: Fewer drugs come over the

fence now; most of them come in through visits. I do not have figures to hand on how many drugs we pick up.

The Convener: We understand that the test rate for drugs is high at Low Moss.

Ian Bannatyne: Yes.

The Convener: I am giving you an opportunity to explain why that is the case. I have sympathy for the prison because of the way in which it is laid out—I am talking of the wire fencing. What is the impact of the dormitories on drug taking?

Ian Bannatyne: The fact that people share accommodation makes the situation more difficult to control. If someone wants to stop taking drugs but shares accommodation with other prisoners who do not want to stop taking drugs, he will find that decision much more difficult to make.

The Convener: I am trying to remember whether Alba House is at Low Moss.

Ian Bannatyne: Yes, it is.

The Convener: Does self-referral still exist for prisoners?

Ian Bannatyne: No, not at present. We are putting in a new throughcare centre, and a detoxification programme and a methadone programme are running at present. In addition, people from Cranstoun Drug Services Scotland come in to help with the throughcare of drug takers.

The Convener: The chief inspector noted that the high level of prisoner violence appears to be reducing. Is that the case?

Ian Bannatyne: Yes.

The Convener: Why?

Ian Bannatyne: We installed cameras in the dormitories, which is where most of the violence occurred. The monitoring of prisoner behaviour in the dormitories is now done by camera, which has certainly reduced the number of prisoner-on-prisoner assaults.

The Convener: Do all the dormitories have closed-circuit television?

Ian Bannatyne: Yes.

The Convener: What about the corridors, which are narrow?

Ian Bannatyne: One of the difficulties with the Low Moss estate is that the corridors do not lend themselves to CCTV.

The Convener: I am asking these questions for the benefit of those committee members who have not visited Low Moss. I seem to recall that the corridors are pretty narrow.

Ian Bannatyne: They are very narrow.

The Convener: They provide great opportunities for intimidation, at the very least.

Ian Bannatyne: I am not saying that assaults have stopped. However, the number of assaults has greatly reduced and the initiation ceremonies that form part of the folklore of Low Moss have ceased.

The Convener: What initiation ceremonies?

Ian Bannatyne: The initiation ceremonies were referred to in the estates review. Bullying took place in the dormitories and formed part of the initiation ceremonies for prisoners who came into the prison.

The Convener: One often hears that CCTV simply displaces incidents. If a prisoner sees a camera, he might just go somewhere else. Do you think that that happens?

Ian Bannatyne: That is not our information.

Michael Matheson: How many prisoners are on the methadone programme?

Ian Bannatyne: I believe that, yesterday, there were 10 prisoners on the programme. However, I would need to confirm that figure.

Michael Matheson: That is quite a small percentage of the prison population.

Ian Bannatyne: Yes, but I stress that I would need to confirm that figure.

The Convener: This may be a stupid question, but how many prisoners are drug free?

Ian Bannatyne: Are you asking about those who are on the methadone programme?

The Convener: Yes. They would be in there as well, but is that it, or are there prisoners who are simply drug free, to your knowledge?

Ian Bannatyne: I am not sure that I understand your question, convener.

The Convener: I am trying to get at the percentage of prisoners in Low Moss who are on drugs of one kind or another.

Ian Bannatyne: That is extremely difficult to estimate. A mandatory drug test—MDT—result showed that about 52 per cent of prisoners were negative.

The Convener: When was that?

Ian Bannatyne: That is the most recent figure that I have. It is from last month.

The Convener: When exactly?

Ian Bannatyne: The end of March.

16:00

Maureen Macmillan: Having discussed all the awful things that happen in prisons, perhaps we can now examine some of the initiatives that are designed to help prisoners at the pre-release stage of their sentence.

When you last gave evidence to the committee, you were at the early stages of introducing a prisoner partnership forum in order to promote social inclusion upon prisoners' release. How has that developed?

Ian Bannatyne: As I indicated, we are working as part of a national initiative, and people from Cranstoun Drug Services Scotland are assisting with the throughcare of people on drugs. Cranstoun is linking those people to the community for when they come out of prison. We run the new leaf project, which helps people develop writing and interview skills for job applications. We also run a cognitive skills programme, which helps prisoners develop interpersonal and relationship skills. In addition, we have education programmes. Last year, we bettered our education target by about 2,000 hours.

Maureen Macmillan: Do you fear that such initiatives might be lost if Low Moss prison closes? Do you think that they could be easily transferred to other prisons?

Ian Bannatyne: Those that I have described to you would be reasonably easy to transfer. They are being carried out in other establishments anyway. The advantage of the programmes going elsewhere is that they would probably move to sites that are better equipped to deal with them.

Maureen Macmillan: I think that it was intended to design the regime at Low Moss for the specific needs of prisoners. Has progress been made with that project?

Ian Bannatyne: Some progress has been made with that. We are designing a needs-and-risk assessment tool, which forms part of my business improvement plan for this year.

Maureen Macmillan: Do you think that that too would transfer to other prisons without any problem?

Ian Bannatyne: Yes.

The Convener: I visited the education unit at Low Moss. The problem was that people were only in for a few months; then they came back in within a few months. That is known as the revolving-door syndrome, which we were discussing earlier.

Ian Bannatyne: That still applies.

The Convener: The fact that many prisoners

are not numerate or literate is a huge problem. Do you know the relevant figures for your prison?

Ian Bannatyne: I do not have those figures to hand. Most of the education resources are designed to deal with numeracy and literacy.

The Convener: Have you managed to develop a system whereby prisoners could start an educational programme which, after being released and then sent back in, they could pick up again? In fact, prisoners were effectively on such a programme. I know that that is a dreadful way of looking at things, but that is the reality.

Ian Bannatyne: We have not designed a programme with that specifically in mind, but if a prisoner comes back in and uses the education facilities, he can pick up where he left off. We do not have a system that automatically provides for that, however.

The Convener: Do you have waiting lists for courses?

Ian Bannatyne: No, we do not.

The Convener: We were given evidence that there was a long waiting list for anger management courses, for example.

Ian Bannatyne: We do not do anger management at Low Moss.

Lord James Douglas-Hamilton: We asked your colleague from Barlinnie for views on alternatives to custody. What are your views on the revolving-door syndrome, especially given that Low Moss houses prisoners on short sentences? Would you favour there being more alternatives to custody?

Ian Bannatyne: Most prison governors would favour alternatives to custody. Custody is really a large hammer. Society has no greater sanction than to send someone to prison. If we can develop alternatives that keep people in society, deal with their offending behaviour and protect the public, most if not all prison staff would be in favour of them.

Lord James Douglas-Hamilton: Would alternatives to custody be most relevant for particular types of prisoner, such as for fine defaulters and those who receive very short sentences?

Ian Bannatyne: The protection of the public must come first. If we are not sending people into custody, we must be as sure as we can be that the public will be protected. It may well be that fine defaulters would fall into that category, but I do not feel that I am competent to give an opinion on that. I think that the matter is for the judicial process.

Donald Gorrie: On the future building programme, can you give us advice on the best

use of the Low Moss site? I appreciate that that may be difficult for you but, taking account of our previous discussion about the objective of getting away from the revolving door so that we stop repeat offending, do you think that one use of the site would be more helpful than another?

Ian Bannatyne: For Low Moss, the site is only relevant in the sense that, for most of the prisoners who are sent there, it is close to their families. Most of the prisoners come from the central belt, although the committee will be aware that Low Moss can also take prisoners from Greenock, Kilmarnock and the prisons on the east coast. I suggest that the site is relevant only in that it makes domestic visits easier.

Donald Gorrie: From your experience of running a relatively small prison, do you have any views on the notional ideal figure of 700? Would a smaller prison be better at helping people not to reoffend?

Ian Bannatyne: My understanding is that that figure was arrived at by the members of the estates review team who had an opportunity to do an international study of the size of establishments. I bow to their superior knowledge.

The Convener: Thank you very much. I take it that any committee member who wants to go and see Low Moss is welcome to do so. I understand that, due to the stinginess of the Parliament's funding, we cannot do that formally.

Ian Bannatyne: I would be delighted to see any members of the committee.

The Convener: It would be useful to committee members to see the layout of the prison, so that we could all see the difficulties that are involved. I hope that some members will take up that invitation.

Petition (PE494)

HMP Peterhead

The Convener: We move on to agenda item 3, which concerns a petition. Bearing in mind our short time scale, I refer members to note J1/02/14/6 on the petition from the prisoners at Peterhead who—this must be quite extraordinary—want their prison kept. Does Stewart Stevenson want to say something briefly about the petition?

Stewart Stevenson (Banff and Buchan) (SNP): I have listened with interest to the previous parts of the committee but, on this occasion, I have held my tongue.

The Convener: Good grief. That will have taken some effort.

Stewart Stevenson: The petition arose largely from the Peterhead prisoners' desire to make it clear that they did not agree with some of the statements that were made in their name in the estates review. However, the prisoners agree that Peterhead prison has issues such as night sanitation that need to be addressed. Interestingly enough, a separate piece of work that was undertaken by the prisoners themselves showed that only a narrow majority feel that night sanitation is an issue that requires to be tackled early.

The prisoners are not stating that everything about the building at Peterhead is perfect. It is clear that there are issues to be dealt with. However, as we heard in earlier evidence, many of those prisoners went to Peterhead with great reluctance for a variety of reasons. Having arrived there, they have now settled into an environment where they feel safe and are able to address their rehabilitation programmes. They also have staff who have the same inherent capabilities as staff throughout the SPS, but now have 10 years' experience and can deal with a range of sex offenders, promote them into the programmes, support them while they are doing the programmes and deliver them to their local prison for discharge.

It is remarkable that two thirds of the prisoners who are petitioning the committee say that the environment at Peterhead and their location at Peterhead is ideal for their purposes. I hope that the committee will reflect that in its report and I thank you for giving me the opportunity of saying a few words.

The Convener: The petition says it is made up of

"signed petitions from all the Halls"

at Peterhead. Obviously we do not get all of them. Do we know how many prisoners signed the petition? The clerk advises me it was 190.

Stewart Stevenson: It was 191 out of 290 prisoners at Peterhead on the day the petition was signed. There were 294 prisoners slightly earlier. It is worth saying that the petition covers prisoners who might not be ready or willing to go on to the STOP programme. It also covers prisoners who are on the STOP programme and those who have come out of the STOP programme. The petition covers the entire spectrum and is not just about programmes. The issue is about the environment in which they feel safe and which has caused them to petition the committee.

The Convener: Consideration of the petition will form part of the written submissions to the committee. The committee must now decide what to do about the petition.

Donald Gorrie: It should form part of our consideration of the prison estates review. It is useful evidence.

The Convener: I agree. We will consider the issues raised by the scrutiny of the petition. We can put the issues to other witnesses.

The next meeting of the committee will be tomorrow at 11.15 in committee room 3. We are gluttons for punishment. It is a joint meeting with the Justice 2 Committee on the budget. If members cannot come, please advise the clerks as soon as possible because we do not want to be inquorate.

The next meeting after that will be Tuesday 7 May when we will meet again with the Justice 2 Committee to take evidence from the Minister for Justice and the Lord Advocate on the budget. Members will be glad to know that our normal meeting will follow that, when we will take further evidence on the prison estates review. It is a packed, lively programme.

Meeting closed at 16:12.

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