

JUSTICE 1 COMMITTEE

Tuesday 21 May 2002
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE

20th Meeting 2002, Session 1

CONVENER

*Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

*Maureen Macmillan (Highlands and Islands) (Lab)

COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)

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

*Donald Gorrie (Central Scotland) (LD)

*Paul Martin (Glasgow Springburn) (Lab)

*Michael Matheson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Mrs Margaret Smith (Edinburgh West) (LD)

Kay Ullrich (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Stewart Stevenson (Banff and Buchan) (SNP)

WITNESSES

Debbie Armstrong (STOP 2000 Programme Team, HMP Peterhead)

Stuart Campbell (STOP 2000 Programme Team, HMP Peterhead)

Ian Gunn (Scottish Prison Service)

Bill McGee (HMP Peterhead Visiting Committee)

Dr Jim McManus (Parole Board for Scotland)

Councillor Stuart Pratt (HMP Peterhead Visiting Committee)

Alec Spencer (Scottish Prison Service)

ACTING CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 2

Scottish Parliament

Justice 1 Committee

Tuesday 21 May 2002

(Afternoon)

[THE CONVENER opened the meeting in private at 13:32]

13:45

Meeting continued in public.

Prison Estates Review

The Convener (Christine Grahame): I welcome everyone to the 20th meeting this year of the Justice 1 Committee. As always, I remind members to turn off mobile phones and pagers. I have received apologies from Wendy Alexander.

I say hello again to Ian Gunn, who is the governor of HMP Peterhead. Some committee members have met him previously.

I will kick off with the questions. In the report on Peterhead—"HMP Peterhead follow up inspection 25-26 March 2002"—the building inspector said:

"the residential buildings at HMP Peterhead have been well maintained and are in good physical condition".

The report continued:

"It would be worth while to produce a detailed cost benefit analysis before writing Peterhead off".

What do you think?

Ian Gunn (Scottish Prison Service): Members have seen the buildings and have commented on their cleanliness and so on. My view is that the buildings are not really fit for purpose for a prison in 2002. I do not know whether spending a lot of money on refurbishing the buildings would be worth while when what the prisoners in Peterhead—and in Scotland—need is decent facilities, including in-cell power and integral sanitation. I am by no means a buildings expert, so I do not know how much refurbishment would achieve, other than temporary achievements.

The Convener: What do you mean by temporary?

Ian Gunn: I do not know whether spending a lot of money on refurbishing a building is worth while when it might be cheaper to build a brand new one.

The Convener: The question was whether it would be worth while to produce a detailed cost-benefit analysis before proceeding.

Ian Gunn: I cannot answer that question. I see buildings that are not fit for purpose. I have worked in a refurbished prison—HMP Aberdeen—in which power and toilets had been installed in cells. Such changes make cells much smaller and I do not know whether they are worth while. As I say, I am not a buildings expert so I cannot comment further.

The Convener: You used the word "temporary". Would it be worth while to carry out a cost-benefit analysis to discover whether the building could continue in use for five to 10 years until a new building is completed?

Ian Gunn: There is the separate issue of slopping out. Prisons that still operate slopping out have had to consider what contingency arrangements might be required should the practice fall foul of the European convention on human rights. That would mean that we would have to make temporary arrangements to do away with slopping out.

The Convener: I will come back to that, but I want to pursue the issue of the building for a moment. In his evidence to the committee, Clive Fairweather said that he was not aware of a survey of the building at Peterhead since 1979 and he recommended that a more detailed survey should be done. The committee has written to Jim Wallace and sent a copy of the letter to Tony Cameron asking them to confirm the position with regard to a structural survey. We asked them whether they will instruct another survey to be done and whether the committee could have sight of the 1979 survey. Do you know what the position is with regard to surveys at Peterhead?

Ian Gunn: I have not been informed that a survey is to be carried out.

The Convener: Do you know when the last survey was? Was it in 1979?

Ian Gunn: I am afraid that I do not know.

The Convener: On night sanitation, the chief inspector said that although portapotties are not satisfactory, they might do if the current staffing were at proper levels. I understand that, at present, the prison is understaffed.

Ian Gunn: The prison is under complement at the moment.

The Convener: By how many?

Ian Gunn: We are between 20 and 30 staff under complement.

The Convener: With the proper staff levels—with the 20 or 30 more staff—might there be a way of operating a temporary system of allowing prisoners access to night sanitation?

Ian Gunn: The matter was discussed some time

ago by the local branch of the Prison Officers Association Scotland and the previous governor, Bill Rattray. My information is that that was discussed in principle only and that no risk assessments were carried out. Clearly, it would be possible to have such a system, but it could only be a temporary system. To me, that is not a valid system for dealing with sanitation in the 21st century.

The Convener: Could it be done if the staffing in the prison was at complement?

Ian Gunn: I would have to discuss that with my colleagues at Peterhead and do proper risk assessments. Night shift staffing levels are not as high as they are during the day. Clearly, we would need to be careful about letting prisoners out of their cells at night. We would have to do formal risk assessments.

The Convener: Are you aware of the POAS's position on this? It says that a temporary system of access to night sanitation would be possible with the current staffing levels.

Ian Gunn: Yes. The POAS has said that that could be done in principle. However, as I have said, it has not discussed the issue in any great detail.

The Convener: Is it possible?

Ian Gunn: Anything is possible if we can negotiate it with the local union representatives.

The Convener: The Scottish Prison Service has quoted the Minister for Justice as saying that it would cost £500,000 to implement the changes. Can that figure be challenged?

Ian Gunn: I do not think that that figure related to Peterhead prison. I have never heard that figure quoted locally or been informed that that figure relates to Peterhead prison.

The Convener: I also have a question about the possibility of cabling for television in the cells. The chief inspector's position is that that is possible. We appreciate the current situation, but is it impossible to put cables into the cells?

Ian Gunn: There is a problem with the overloading of the electrical system. That is less to do with the prison and more to do with the surrounding infrastructure. The inspector that was with Mr Fairweather's team commented on the heat that was coming from the electrical system early in the morning. Clearly, there is overloading of the system. However, I am not a buildings expert so I cannot comment on that.

The Convener: Has any investigation of the possibility of cabling been done, that could be presented to the committee?

Ian Gunn: I have not been asked to do that. We

have considered ways in which we can reduce the cost to prisoners of the power that they use. We are doing that at the moment. The only power that prisoners can have at the moment comes from batteries and therefore they are being disadvantaged. We are considering a scheme whereby we might be able to make power less expensive, but that is as far as we have gone.

The Convener: When will that scheme come to fruition?

Ian Gunn: I have somebody working on the project now. Hopefully, there will be some results in the next month or so.

Maureen Macmillan (Highlands and Islands) (Lab): Are you saying that, although it might be possible to put cabling into the cells, it would overload the system if those cables were then used?

Ian Gunn: That is my concern. I am not an expert on buildings. My estates manager has said that he is concerned about the overloading of the system and that it is not a good idea to put more strain on it. The issue about power for prisoners is more about batteries than it is about cabling.

Maureen Macmillan: I know that you are not a buildings expert, but I am anxious to get some idea in my head about the lifespan that the prison might have if it were refurbished.

Ian Gunn: I am sorry but I missed your question.

Maureen Macmillan: If the prison was refurbished and power was supplied to the cells and there was some way of dealing with the lack of sanitation, how long a life would the prison have?

Ian Gunn: It is impossible to say. I suspect that, because those buildings are strong, they would have a long life. The problem would be the fabric of the inside of the buildings. However, I would not like to speculate.

The Convener: Are there any other questions? The condition of the buildings is quite relevant.

Lord James Douglas-Hamilton (Lothians) (Con): Do you accept that all prisons have to be renewed all the time and that Peterhead is not much different from any other prison in Scotland, such as HMP Perth, HMP Inverness, HMP Barlinnie and HMP Edinburgh?

Ian Gunn: Yes. Prisoners are entitled to decent conditions and, in this day and age, that means access to sanitation, in-cell power, hot and cold water and so on. Many of those issues were not relevant at the time when many of our prisons were built.

Lord James Douglas-Hamilton: Might it be

possible to build a 500-place prison on the adjacent site, either on its own or in conjunction with renewing some parts of the existing prison?

Ian Gunn: The estates review itself contains that option, so it is clearly possible.

Lord James Douglas-Hamilton: But for a 350-place prison, rather than a 500-place prison.

Ian Gunn: Yes, sorry—for a 350-place prison. I would not want to speculate, but members will be aware of the amount of land that is available at Peterhead. It would be quite possible, yes.

The Convener: A lot of land is available.

Donald Gorrie (Central Scotland) (LD): If an efficient, safe and civilised method of allowing prisoners access to lavatories during the night could be organised, would not that be better than having a lavatory in each cell? We do not normally have lavatories in our bedrooms or in our hospital wards—we go out. Would it not be all right to have a good method of arranging for prisoners to go out to the lavatory?

Ian Gunn: I agree. If we were able to control the system, we would prefer that prisoners did not have a toilet in their cells. In a lot of prisons, including Peterhead, prisoners eat their food in their cells. Clearly, that is not particularly hygienic. In an ideal world, they would use a separate toilet area. Obviously, prisons are not an ideal world, and there is an issue of control. The number of prisoners let out of their cells at any one time has to be controlled, not only during the night shift, but during patrol periods when staff have breaks and so on.

Michael Matheson (Central Scotland) (SNP): I return to Lord James Douglas-Hamilton's point about the land available at Peterhead, on which it would appear to be feasible to build another prison, or at least another accommodation block. Would it present much of a problem to managing the prison and maintaining security if building work was taking place on that site?

Ian Gunn: Yes—any major disruption would cause problems. As you know, the work areas for prisoners at Peterhead are a big distance away from the residential areas. Any building work that was carried on at Peterhead at the same time as we had to run the prison would disrupt the road between the residential areas and the work sheds. That would disrupt what is currently happening.

Michael Matheson: Do you think that such a problem would be insurmountable?

Ian Gunn: It is something that we would have to consider. If the decision were made, we would have to consider it and ensure that any problems with prisoner movements were not allowed to interrupt any other work that was going on.

Michael Matheson: In your view, would the problems be surmountable?

Ian Gunn: If the decision was made to rebuild—

Michael Matheson: If there was such a decision.

Ian Gunn: I am sure that we could manage that situation. If it were a matter of movement, that would not be a problem.

The Convener: Would you agree that the subject of night sanitation—which is, to an extent, crucial to the future of Peterhead prison—is not high up on the list of priorities of prisoners at Peterhead or among the things that they consider important to them?

Ian Gunn: I would not totally agree with that. The prisoners feel safe and secure at Peterhead. As they do not know any other options, they are compliant in so far as they do not complain about the conditions as much as they perhaps would if they knew that there was an alternative—be that a new prison 500yd away or 150 miles away.

However, I do receive complaints about slopping out. Dozens of prisoners at Peterhead are taking legal action through their solicitors regarding their having to slop out, so it is an issue for them.

The Convener: If I recall the responses to the Peterhead prisoners' survey correctly, slopping out did not come very high up on the list of priorities. The security of being in Peterhead prison and the culture there was much higher up on the list. Am I correct?

Ian Gunn: Yes. The prisoners indeed feel much safer where they are. Therefore, although a few dozen prisoners are seeking compensation for the conditions under which they are kept—

The Convener: Is that a few dozen out of 260 prisoners? How many prisoners do you have?

Ian Gunn: We have roughly 290 prisoners.

14:00

The Convener: My final question is about the risk assessment that you mentioned. Can I take it that, if you were to find a method of letting prisoners out of their cells to have access to facilities at night, you would carry out a risk assessment of each prisoner? Would there be a different risk assessment for each prisoner? Some prisoners will be very low risk. For example, it will not take many officers to let out frail or elderly prisoners, but other prisoners will be high risk and perhaps two or three officers might need to be involved in letting them out. Am I right?

Ian Gunn: Yes. Different prisoners have different levels of supervision. The previous security category system that was in place across

the SPS has changed to a supervision system, which sets a level for each prisoner when they are in custody in the prison. Given the dynamic nature of that system, prisoners are likely to be kept under lower supervision levels as they move through their sentence. As you said, the age of the prisoner makes them appear to be less of a risk to staff, but a minimum number of staff must be available, even if only one prisoner is allowed out of their cell. However, this is not the right place to go into security issues.

The Convener: I am not going into those issues. Did you say that you were carrying out such a risk assessment, or that a risk assessment would have to be carried out if you were to go down the alternative route of allowing prisoners out of their cells to have access to night sanitation facilities? Is that work being carried out?

Ian Gunn: No.

The Convener: Should that work be carried out?

Ian Gunn: A risk assessment would be done if it were decided to go ahead with that system. Each area of the prison would be assessed. I believe that you visited a part of the prison that houses prisoners who are ready to move on to other prisons and to progress through the system. Different risks arise in that area from those that arise in the induction hall, which houses prisoners who have just come into the jail.

An overriding feature of such risk assessments is that they would have to address the question of the minimum number of staff that we would need to have on the spot if any prisoner were to be allowed out of their cell. I do not think that I should go into those numbers, but that work would have to be done.

The Convener: As Donald Gorrie said, having toilets in the cells is not the happiest thing. Do you agree that it would be useful, from the committee's point of view, for risk assessments to be conducted for letting people out to use toilet facilities at night and the staffing levels that that would require? If that work was done, we would know what the staffing levels would need to be and what the operation of that system would require. That would allow us to say, "This is an alternative".

Ian Gunn: Any risk assessment would be done jointly with the local branch of the POAS. We would have to sit down and agree a suitable complement of staff for a night shift at Peterhead. We would also have to consider how we could use the existing complement to take account of such arrangements. That is the process that we would have to go through, and sometimes it is not easy to do that. I would not wish to embark on a risk assessment until I got the POAS to agree to do

that work. That is the way in which the process would work.

The Convener: We might raise that issue with the POAS in order to see whether that work could be done and whether we could have that information.

Donald Gorrie: How big an issue is the location of the prison, given that that makes it harder for people from central Scotland to visit?

Ian Gunn: That is a complex issue for Peterhead prisoners. As you know, some prisoners have offended against their own families and therefore the family ties that mainstream prisoners have may have been severed. However, the issue comes up quite often, either because people's families cannot travel or because prisoners do not like to meet their families on accumulated visits in other prisons that are not dedicated sex offender prisons. Prisoners feel safe and secure in Peterhead because it holds only sex offenders. Some families are prepared to take account of that and to make the journey to Peterhead, which also means that the families do not feel threatened before, during or after a visit. However, there will always be prisoners who have problems with visits, wherever a prison is sited. For example, the opposite problem arises if a prisoner from the north-east is in a prison in the central belt. Visits are an issue. However, as I said in my reply to the question about night sanitation, prisoners see some of the benefits of being in the Peterhead regime. They will put up with some of the difficulties that they would not face if they were elsewhere.

Donald Gorrie: I want to ask about the security of the prisoners. Setting aside the question of the site for a moment, would you recommend that a jail should be set aside for sex offenders or would it be satisfactory—or perhaps better—to have a large unit in an ordinary prison to deal with sex offenders? In the second scenario, although sex offenders would be kept separate, they would be part of the jail community.

Ian Gunn: The important thing is that sex offenders must feel safe and secure when they are going through programmes. It is clear that they feel safe and secure in Peterhead. If Peterhead were to close, we would need to think carefully about how we could replicate some of its advantages. There is nothing to stop sex offender programmes being delivered in other types of prisons, as is happening in Polmont and Barlinnie.

It is clear that the model that we have at Peterhead has been successful. The decision whether to keep the model where it is or to replicate it elsewhere would have to be taken carefully. I would not say that the other option is not possible.

Donald Gorrie: Taking the size of Scotland and the potential client base, so to speak, into account, what is the ideal size of a prison for sex offenders?

Ian Gunn: That is an important question. Care would need to be taken to calculate the present and future numbers of sex offenders. At present, there are more sex offenders in the system than can be housed at Peterhead. That said, not all sex offenders are long-term offenders, which is the type of sex offender that Peterhead deals with. In future, we will need to consider working with all sex offenders, which would mean that the number would be closer to 600 prisoners—not the 300 prisoners that Peterhead can manage.

If Peterhead is to close, it is likely that long-term sex offenders will remain in the public sector in another prison. We would have to decide whether to incorporate short-term offenders or to continue to work with them in other types of prison. I do not have a number, but projections show that there is a rise in prisoner numbers. The evidence of the past 10 to 20 years appears to indicate a greater likelihood of a rise in the reporting of serious sex offences. It is clear that that could lead to an increase in the number of people who will be committed to prison for sex offences. I would not like to guess whether that likelihood would lead to an increase, but those issues would need to be taken into account.

Donald Gorrie: If it were up to you, would you build a new prison at Peterhead, add a new house block and other facilities to the existing buildings or introduce ways in which night sanitation could work—through human agency for example. In answering that question, I presume that you might be able to achieve the introduction of supervised night sanitation by building a new house block. Would that option be better or worse than building a whole new prison?

Ian Gunn: Am I correct in thinking that the question refers to options that would follow on from a decision for the prison to remain on the Peterhead site?

Donald Gorrie: Yes.

Ian Gunn: That decision has not been taken and I cannot guess what the minister will decide. However, if the minister decided to keep the prison at Peterhead, two options would be available. Option 1 would be to improve the existing buildings and option 2 would be to rebuild. The estates review is clear that to refurbish the existing buildings at Peterhead would bring limited value for money to the taxpayer. I agree with that. I am not trying to guess what might happen to the estates review.

Stewart Stevenson (Banff and Buchan) (SNP): I will pick up on some of the things that Donald Gorrie mentioned. Alec Spencer, from

whom we will be hearing later on, quotes with approval Professor Bill Marshall, who said that group work

“is best conducted in an institution with sound peripheral security that exclusively houses sex offenders.”

He also stated:

“if sex offenders are integrated with other offenders, treatment benefits are typically slow in coming.”

Do you agree?

Ian Gunn: What I have seen over the past seven months indicates that we would have to be extremely careful about how we disturbed the culture at Peterhead in relation to the prisoners feeling safe and secure. The STOP programme is delivered in other prisons that are not exclusively for sex offenders. I cannot comment on that, because I do not have experience of those prisons. In dealing with the situation at Peterhead, I would recommend being extremely careful to keep sex offenders separate from other types of offenders. The last time that I appeared before the committee, I think that I went on record as saying that Peterhead is the first example that I have seen of sex offenders being able to live a normal life within a prison setting.

Maureen Macmillan: You talked about numbers of sex offenders and how you thought that as the trend for reporting such crimes grew, the number of those who would be convicted would grow. We are perhaps approaching the magic number of 700, which according to the estates review is the optimum number for a new prison. Opting for a prison of such a size would mean having long-term prisoners and short-term prisoners together in the same prison. Would that be a good idea?

Ian Gunn: Mixing long-term and short-term prisoners always presents difficulties, because long-term prisoners need stability and they can sometimes be disturbed by people coming in to do short sentences. If one had a prison that housed sex offenders of all sentence lengths, one would be delivering different types of programmes to different types of prisoners. One would have a shorter programme for a short-term prisoner, whose sentence was up to a certain length. At Peterhead, we are already developing different sex offender programmes for long-term prisoners, because it is not a case of STOP 2000 fitting everyone. I am sure that the programmes team will tell members about that shortly.

If one had a population that was entirely made up of sex offenders, I suppose that it would be possible to tailor the programmes according to the sentence length. That system would probably indicate how one would house the prisoners, because one would want the people on the programmes to relate to each other, not only within the group rooms, but in their normal lives

within the jail. One would want the prisoners to be challenging each other and discussing issues.

Maureen Macmillan: It strikes me that it would be a solution to have a prison for sex offenders of all sentence ranges. However, if that were the case at Peterhead, I wonder what the implications of the fact that some of the prisoners were serving short sentences would be. Would that make a difference to throughcare for such prisoners?

Ian Gunn: Throughcare issues would certainly arise, as they do with all sex offenders. When they are released, most sex offenders are not released directly from Peterhead—we put them in a prison fairly near where they intend to live after release. Having short-term sex offending prisoners would obviously increase the volume of prisoners who were released, which would put pressures on throughcare.

Maureen Macmillan: You do not consider that there would be an intrinsic problem in having short-term offenders at Peterhead, if a new prison was built at Peterhead?

Ian Gunn: Most offenders come from the central belt, or from the centre of Scotland—that is an issue. The more that one moves people away from that area, the more one increases the pressure on visits for those people and on dealing with throughcare issues while they are away from places near their home.

The Convener: Maureen Macmillan will pick up on staff issues.

Maureen Macmillan: So I will.

The Convener: That is what I am here for—prompting.

Maureen Macmillan: Yes, you keep us all right, convener.

The prison estates review states that 240 staff would be affected if Peterhead were to close. What effect has the publication of the estates review had on staff morale at Peterhead?

14:15

Ian Gunn: In some ways, it has been a relief that the document has been released and that staff have been able to find out what the options are. Most staff were not surprised by what they saw. Initially, perhaps, they felt angry and frustrated that they had had to wait for two years and, in the end, most of them did not like what they saw.

Staff morale is affected almost daily by the huge media interest in the issue not so much here but in the Peterhead and Aberdeen area. Staff are in the newspapers and on the local TV and radio every day, and what they see and read can affect them

both positively and negatively, if they see something that they do not like the look of. As I said when I gave evidence to the committee six months ago, the indications are that staff are still very dedicated and committed to the task. Our sickness levels remain very low, and staff are coming to work and are working as a team.

I am trying to ensure that we focus on the work and do not allow the media circus to distract us too much. Although that is very difficult, the staff know that they are three quarters of the way through a consultation period and are perhaps waiting for the next big stage, which will be a decision. I repeat that, although morale has been affected, staff are still working very hard.

Maureen Macmillan: You said earlier that your complement is about 20 to 30 officers short. Is that because of the uncertainty about the prison's future?

Ian Gunn: There are a number of reasons for that shortfall. One factor is that it has been difficult to recruit at Peterhead for some time. Obviously people are leaving us, but that has been a common feature in SPS establishments. For example, the people that we recruit as operations officers become very attractive to the police, which means that there is always a fair turnover in that area. Unfortunately, although we conducted a recruitment campaign over the past few months and were successful in recruiting seven people at Peterhead, because of various processes we ended up with only two people, who started on Monday. However, we then trawled for volunteers from other prisons to come to Peterhead, and it looks as though another two people will start soon. As a result, we are dealing with the shortfall.

Our new supervision system will also affect the numbers of staff whom we employ, as it will mean that we will not be taking into consideration categories of prisoners and the danger that they pose to the public when they are in the prison setting. As I mentioned earlier, it could be that, at certain times, we might need fewer staff to monitor the types of prisoners that we have. At the moment, our current staff complement is based upon the old system. As the new system has been in place for only a month, we have yet to find out its real impact. However, it seems that, while many of our prisoners are in the prison setting, they will be considered as less of a risk to staff than they would have been under the old system.

Maureen Macmillan: The Peterhead prison visiting committee has said that if the prison were closed, a significant number of prison officers would resign rather than move away. What information has been given to staff about their future options? Have you assessed how many members of staff would be willing to move to other prisons in the central belt?

Ian Gunn: First of all, when the prison estates review was published, two of the directors came to Peterhead and gave presentations to staff. I followed that up with discussion groups with staff to talk about the issues, advise them on how to present evidence and so on. We carried out a similar exercise with prisoners.

I have not assessed how many staff would or would not transfer. I do not think that it would be appropriate to do so at this time as it might indicate that I know that a decision has been made—which is something that I do not know. Clearly, if it is decided that Peterhead should close, that will be done quickly. Although staff have approached me individually and have asked me in confidence whether they could get a transfer to the central belt, I have not yet carried out any assessment or survey.

The Convener: I will ask a supplementary question. The submission by Peterhead prison visiting committee states:

“Within the Peterhead community prison officers and their families are accepted. Officers can walk to work in uniform. This is not always the case in communities in the central belt.”

Is that right?

Ian Gunn: After being at Peterhead for seven months, it is clear to me that the staff have the support of the community. I do not know what the situation is in the central belt. I suspect that, as in any other place, some people want to be recognised in their uniform and others prefer not to be. Prison officers, like police officers in uniform, can attract problems.

The Convener: Is the uniform respected in Peterhead? Is there a positive feeling in the community towards the prison and the officers who work there, rather than even simply a neutral feeling?

Ian Gunn: I would say so, but I would also say that there is no evidence to suggest that prison officers in other parts of Scotland are not respected. There are places in Peterhead that an officer would not walk into at 10 o'clock on a Saturday night, because they may not be met with the greeting, “Oh good, here is a prison officer. Would you like a drink?”

The Convener: MSPs know that feeling too.

Other evidence has indicated that there is a positive acceptance of Peterhead prison within the community and that that is demonstrated by the way that officers wear their uniforms outwith the prison, which apparently they do not do so much in other areas of Scotland.

Ian Gunn: I have no evidence of what happens elsewhere. When I started my career, I did six weeks in uniform to experience the job of a prison

officer. I wore my uniform on my way to and from work without any problems.

The Convener: Where was that?

Ian Gunn: I lived near Glasgow and worked in Edinburgh. I cannot say whether that is good or bad evidence, but I do not think that it is right to say that everywhere other than Peterhead prison officers cannot wear their uniforms when they are going to and from work.

Stewart Stevenson: When the possible closure of Peterhead first came up in January 2000, were there any staffing issues of moment at Peterhead?

Ian Gunn: Do you mean—

Stewart Stevenson: In relation to numbers.

Ian Gunn: Yes, there was a complement issue. There has been one for a number of years, although I am not sure of the time scale. Over the past six or seven years officers have been offered a bounty—a lump sum—to come to Peterhead, from the north-east of England and places like that, because we could not recruit locally or from the rest of Scotland. Special arrangements were made and during the last recruitment campaign a bounty was offered to some staff who wanted to join the SPS, but they still declined to come. I do not know the reasons behind that. We can surmise that it is because of the estates review. I believe that there was a complement shortfall at that time, albeit I was not then working at the prison.

Stewart Stevenson: Is it fair to say that the prison officers from the north of England largely came to Peterhead in the aftermath of some of the difficulties that there had been in the prison in the early-to-mid 1990s rather than more recently?

Ian Gunn: Some of them came after the change to the two bands of prison officers. Some recruitment took place after that change was introduced in 1995, but I do not know the details.

Michael Matheson: I am grateful for that information. When I was at Peterhead I wondered why there were so many Geordie accents. That is now clear.

I will move on to the issue of the STOP 2000 programme. Peterhead is internationally recognised for the work that it undertakes with sex offenders, principally through the STOP 2000 programme and the culture that exists within the prison in allowing such sex offenders to address their offending behaviour. What are the implications for the STOP 2000 programme if a decision is taken to close Peterhead?

Ian Gunn: An immediate issue would be how we dealt with the announcement and how we were able to assure staff and prisoners about what would happen after that. The programme at Peterhead, quite rightly, is well renowned. A lot of

good work is being done not only by the people who deliver the programme, but by the rest of the staff who support it. If the programme had to be moved elsewhere, the transfer would have to be managed very carefully. We must not lose what we have built up.

Michael Matheson: If the decision is made to close Peterhead, the proposed time scale to transfer prisoners and for the treatment programme to be established in another prison is three years. Is that adequate?

Ian Gunn: The estates review says that Peterhead could not close within three years—the buildings issue would indicate that three years is the minimum. Clearly, should there be a decision to close the prison, we would have to start planning. One of the things that we would need to know is where in the system the prisoners would go. We would do what we could to protect the integrity of the programme and ensure that we continue to get prisoners to address their offending behaviour and so reduce crime and the number of future victims. That is what we are all about.

Michael Matheson: What should the time scale be?

Ian Gunn: It is very difficult to say. Three years would give us a starting period. We would have to wait until other prisons were built before we could decide where the sex offenders would go. If the prison is to close, we would have to start planning that. However, I think it would take longer than three years. I do not find it easy to articulate that. If the decision is to put sex offenders in an existing public service prison, before we can move 300 sex offenders, we will have to decant at least 300 spaces from somewhere else. That cannot happen until the prisoners have a place to go to. If it is decided to build another prison for sex offenders, there will be delays. My guess is that we would be looking at a time span of three to five years.

Michael Matheson: Thank you. That is very helpful. If it is decided to close Peterhead and transfer prisoners elsewhere, what are the implications for maintaining the integrity of the programme?

Ian Gunn: We would need to consider the prison officers who are currently delivering the programme and manage any transfer of their skills to another location. Some of those people may decide not to move and some may decide that they do not want to deliver the programme any more. Some of the programme deliverers have been doing the job for some time. There is always a natural drop-out rate and we would need to consider the resources required—prison officers, psychologists and social workers—in the new location to ensure that we had enough people still

delivering the programme. Clearly, work would still go on during the three-year minimum suggested in the estates review. We would have to keep what expertise we can and then build it up in the other establishment—wherever that may be—during the three years, so that we could start to move people. No plans have been drawn up because we do not know where the new location would be if Peterhead were to close.

Michael Matheson: Thank you.

Lord James Douglas-Hamilton: I have two short questions. My first question is very obvious. Why do you think that the community supports Peterhead prison so strongly?

Ian Gunn: The community has supported the prison for some time. The publication of the estates review has reinforced that support because the community now sees the threat that the prison may close. The prison has been a good employer in the area. Peterhead might have been a problem prison in the 1980s, with riots and so on, but there have been no good order issues over the last 10 years or so. Apart from one well-documented escape, there have been virtually no escapes from the prison's perimeter. That is why the local public support the prison.

14:30

Lord James Douglas-Hamilton: So the public have confidence in your excellent work and that of the officers who work under you.

Ian Gunn: Yes.

Lord James Douglas-Hamilton: Do you agree that it would be grossly unfair to judge Peterhead prison by what it was 20 years ago?

Ian Gunn: That is correct. In our recruitment campaign, we did some research on why people appeared not to want to apply to work at the prison. We wondered whether the reason was the impending estates review, but one major reason was that people thought of Peterhead as a powder-keg prison, or whatever you might call it. Even now, when a high-profile prisoner is about to be transferred to Peterhead, some of the tabloids do us no favours by using jargon such as "Pervs' paradise" and "Powder-keg prison". That does not help. People pick up the wrong image of what goes on in Peterhead when they read those papers.

Lord James Douglas-Hamilton: Are you saying that the prison should be judged on its present merits rather than on its past history and on the events of more than 20 years ago?

Ian Gunn: Yes. We should judge the prison on the work that it does. The estates review is principally concerned with buildings, but if we can set aside the buildings issues, we should judge the

prison on its work. The Prison Service does a lot of work that goes unsung not only in Peterhead but elsewhere. In many ways, I suppose that we could just carry on with the work without having all this attention. However, as we are the focus of attention at the moment, it is right that we sing the praises of the staff at Peterhead who are delivering what they are delivering.

The Convener: In answer to Michael Matheson's question, you said that it would take three to five years to transfer the inmates and the programme elsewhere. In that time, might good staff vote with their feet rather than wait while the transfer is happening? Might experienced staff move elsewhere or leave the Prison Service entirely?

Ian Gunn: I am not sure. From the people who have come to speak to me in confidence, I would say that there seems to be a mix: depending on their age, some will retire in three to five years; others, although they would prefer to stay, will move if the prison closes; others want to move anyway; and some would prefer to stay within Peterhead.

We will need to consider what options would be attractive to the staff at Peterhead so that we can retain them even if the prison closes and we need to look at jobs elsewhere. There is a commitment that no member of staff will be made compulsorily redundant and that there will be no cash cuts in pay. As when we managed the closure of other prisons, we will try to give people the option of moving if that is what they want to do or we will try to give them three options and meet one of those three options.

The Convener: Having visited Peterhead, I feel that it is not like other prisons. The evidence that the committee has heard is that the STOP programme works in Peterhead because of the culture that has evolved among the entire staff and not only those who present the programme. Even if we accept that there will be natural wastage and that people would leave for various reasons anyway, might not those five years lead to a fragmentation of Peterhead's staff unit, which is at the core of why you have an award-winning programme? Would that cause destabilisation?

Ian Gunn: In the days when Peterhead had problems with the prisoner population and with things such as rooftop protests and hostage takings, staff had to go to work in bad conditions. They had to work in riot gear all the time. Those were difficult times. To their credit, those staff have been able to switch from what was very much a control environment to working with and engaging with sex offenders throughout the prison.

In my view, if I were transported to another prison tomorrow and told that I had to work at a

new prison, I would like to think that what the Peterhead staff did could be replicated elsewhere. They were able to change their way of working dramatically. They changed from working in a control environment to working within one in which they address offending and support prisoners. We should try to replicate what happened at Peterhead elsewhere. We should not say that that can only happen in Peterhead.

The Convener: Evidence to the committee suggests that it took seven years for the STOP programme to get to where it is now. The programme was not a dramatic change for the staff, because it grew over time. That is why it has worked. I am not saying that the same circumstances could not apply somewhere else. However, if the Peterhead programme is broken up and the personnel who have grown with it are lost, what makes the programme work will have been changed.

Ian Gunn: We would need to handle the transition carefully. A group has been set up under Mr Spencer to examine how the transition might happen, should the prison close. The committee will no doubt speak to him about that.

Stewart Stevenson: Peterhead is far and away the most successful prison in Scotland. However, if the SPS rewarded that success by closing the prison, would any other prison that was given the task have the incentive to build to the same achievement levels?

Ian Gunn: I think that some of my governor colleagues might argue with me if I agreed that Peterhead was the most successful prison in Scotland—they might look at success in slightly different ways. However, we are looking at Peterhead's success in reducing future crime and in having a range of challenging programmes for prisoners. I would like to think that, if I were asked to repeat that success elsewhere, I would take on that challenge and replicate some of Peterhead's culture.

The Convener: Thank you. Unless there are other questions, I will conclude this part of the meeting.

Our next witnesses are Stuart Campbell and Debbie Armstrong, who will make a PowerPoint presentation about the STOP 2000 programme. Technology comes to the committee. I understand that the presentation will take about 40 minutes, after which committee members will want to ask questions.

Stuart Campbell (STOP 2000 Programme Team, HMP Peterhead): The presentation will take 40 to 45 minutes.

The Convener: I am not Anne Robinson; I will not be nasty about it.

Stuart Campbell: Good afternoon. On behalf of the staff at Peterhead, particularly the programmes unit, I thank the committee for inviting us to talk about the work that is going in programmes at Peterhead.

I will set the context for the presentation, as I am aware that some committee members did not attend the presentation at Peterhead. The group work that Debbie Armstrong and I will talk about is a part of the work at Peterhead prison that is supported by all members of staff throughout the prison. The work that we do is an important part of addressing and changing offending behaviour, but we require the support of all staff within the prison.

The programmes that are currently available to prisoners in Peterhead prison are made up of nationally accredited and locally developed components. Debbie Armstrong and I will go through each programme, highlighting its key components.

We are also looking to develop new programmes as we go along. We have for several years considered running the domestic violence programme at Peterhead; we have now decided to do so, as we recognise the need to do some work in that area. The need for the programme is very much driven by the work that we have done with offenders in programmes such as the STOP programme and the relationships programme. The domestic violence programme is now developed and ready to run and will commence at Peterhead in June.

The next programme that we will introduce is the extended sex offender programme. That will begin in September as part of the set of accredited programmes about which Mr Gunn talked. There are three such programmes in the sex offender programme, which specifically challenges offending behaviour. We are currently training three members of Peterhead staff in the extended sex offender programme. They will have to go to England, where the programme is provided, and then come back to deliver the programme. The programme focuses on prisoners who have gone through the core programme but still have areas of behaviour that need to be worked on. The core programme is the start of the process for some of those offenders, particularly long-sentence prisoners. If major areas still have to be addressed, we will address them through the extended sex offender programme.

The first programme at Peterhead is the cognitive skills programme, which covers a number of major areas including problem solving, creative thinking, social skills, negotiation skills, critical reasoning, values enhancement and the management of emotions.

The Convener: I will just stop you for a moment, Mr Campbell, to remind members that committee

paper J1/02/25 contains parts of the presentation. It is not completely compatible with the slides, but it covers the same ground, so it might be useful. We are now on page 2 of the paper.

Stuart Campbell: The cognitive skills programme is one of the accredited programmes that is run in every Scottish prison. It is one of the programmes that we use most frequently at Peterhead in working with offenders, because it does not focus specifically on offending behaviour. It is what I would describe as a gateway programme, as it allows offenders to start to look at some of the areas of their life that do not relate to their offending. It allows the process of distortions to be broken down before offenders reach the STOP programme. The programme is effective in working with offenders because it does not focus on the critical elements of their offending.

The anger management programme is shorter than the cognitive skills programme, which takes 36 sessions. Anger management runs over 12 sessions and takes place once a week. The main aims are: to recognise the link between anger, aggression, lack of self-control and offending behaviour; to recognise the signs and causes of anger; to raise awareness of the consequences of violence; to learn practical ways of dealing with anger; and to develop assertiveness and communications skills. A lot of the sex offenders who come to the programme do not have major anger management problems; they tend to use instrumental anger. That is why we developed a domestic violence programme. However, some offenders require interventions in anger.

All the programmes that we run are based on a need. Our approach is not about letting prisoners go on programmes because they think that going in front of the Parole Board with a list of programmes will be good for them. It is based on needs. If they need to go into the programmes, they will do so.

The drug awareness programme is a 12-session programme, with sessions once a week. The whole point of the programme is to give information on drug use. It gives facts about illicit drugs and their effects and focuses on the influence of the law. One component of the programme concentrates on health issues surrounding drug use, management of change from drug use and drug-free lifestyles. We look at tolerance levels on release to see whether offenders will continue to use drugs.

14:45

The programme on alcohol use is also useful in our work with sex offenders. When we work with offenders at Peterhead, we do not allow them to say that alcohol is the reason why they committed

a sexual offence, as we see alcohol as a disinhibitor to the offence rather than as the cause of the offence. The person who takes the drink has a disinhibitor to doing something else, but we do not allow prisoners to say that their committing the offence was alcohol's fault.

We look to develop an awareness of the nature and effects of alcohol. We examine the role that alcohol has had on offenders' lives. It is important to link the programme to times in offenders' lives when they have used alcohol and the reasons for that. We also look at the impact that alcohol has had on offenders' health, relationships, home life, work and behaviour. It is important that they start to realise that drinking has an effect on other people. We start to look at strategies around controlled use or abstinence, as appropriate to the individuals' needs when they go back into society.

The sex offenders awareness programme was developed at Peterhead prison. It looks at deniers, who are either absolute or partial. It looks at reducing risk and changing attitudes.

The Convener: This is on page 16 of the paper that members have been given.

Stuart Campbell: The programme increases the likelihood of future self-control and it links with STOP 2000. The main reason why we decided that we needed a programme to work with prisoners in denial was that a percentage of the population do not wish to go into STOP 2000 to address their offending behaviour. We needed a programme to work in the area of denial.

We linked up with colleagues in England to source material for the programme. We have run the programme three times and it appears to have been well received. It does not look at the offence per se, because we cannot work on the offence if the offender denies it. We work with hypothetical situations of sexual offences. We will run the programme once more and then submit it to the SPS for approval status so that it can be run not only in Peterhead, but in prisons such as Glenochil, which currently houses some of the sex offender population.

Debbie Armstrong (STOP 2000 Programme Team, HMP Peterhead): The staff in Peterhead's programme group developed the relationship skills programme and submitted it for approval last year, which it obtained. It focuses on maintaining and developing intimate adult relationships. We look at what an intimate relationship is; how we choose a partner; what is appropriate; what our attitudes, values and beliefs about relationships are; why we are attracted to certain people; why we think in a certain way; and what our expectations are.

We consider issues around power and control, which could range from who does what in terms of housework to huge issues such as dominance and

violence. With sex offenders, there are an awful lot of issues around power and control in relationships.

We look at communication, which is an important issue. Offenders need to be able to identify and express their emotions within relationships in an appropriate manner. We look at coping strategies and stress management. We have put those together because sex offenders typically use a lot of emotional or avoidance coping strategies. We try to promote problem solving, as that can help with stress management—if offenders can identify problems and talk them through, that eases stress.

We look at ending relationships assertively. Typically a lot of the men with whom we work either slam the door, walk away and have no further contact or have relationships that end in violence. We consider how to end relationships assertively when people know that it is time to go.

The STOP 2000 programme at Peterhead is run by a multidisciplinary team. By that, we mean that prison officers, psychologists and social workers are involved in the delivery of the programme. Each group has a maximum of 10 prisoners and, on average, each programme lasts for about 105 sessions, which works out as two or three sessions a week.

The programme is split into 20 blocks. Block 1 is about establishing the group. The offenders get to know one another, what their boundaries are and what they expect from one another and the programme.

Block 2 is about distorted thinking. A lot of the terms that offenders use come from cognitive distortions and thinking errors. We introduce those terms to the offenders and highlight some of the distortions that they use in their offending.

Block 3 talks about coping strategies. As I said in relation to the relationships programme, offenders tend to use emotional or avoidance strategies rather than tackling the problem head on.

Block 4 is called "My History". It gives the offenders their first chance to say a little about their background, what was important to them and what the highs and lows of their lives have been. It is up to them what they want to tell us, but they have the opportunity to talk about things that were significant in their lives and can gain a better understanding of their offending behaviour.

Block 5 is a huge block. It is to do with the active account, which deals with the lead-up to the offence. We use a decision-chain format to track offenders' thoughts and feelings, which we link with their behaviour. We look not only at the hands-on stuff that they did when they offended, but at the thoughts and feelings attached to that.

The block removes the myth that offences just happen. Offenders begin to realise that a thought and feeling had to be attached to the behaviour for them to be able to commit the offence.

In block 6, we examine the role that fantasy played in offending behaviour. Some offenders will tell us that fantasy was significant for them for many years prior to their beginning to offend and we will talk about the reasons why they moved from fantasy to offending. Other offenders might talk about their fantasies in terms of short sexual thoughts. We will discuss what fantasies are, what is appropriate and inappropriate and what offending fantasies are.

Block 7 is called "Patterns in my Offending", which many of the offenders with whom I have worked have described as one of the most useful blocks. It examines five areas of their lives. It looks at their lifestyle: where they were living; how they were living; whether they were working; and what they did when they were not working. It examines their attitudes: what they thought of themselves, of others and of relationships. It looks at their emotions: how they typically felt; what emotions they could express; and what emotions they could identify. It looks at their relationships: whether they were in a relationship at the time of the offending; whether their relationship had broken up; whether the relationship was satisfactory; and who the significant people in their lives are. Lastly, it looks at their sexual interests: what they were; whether fantasy played a role; where they developed; and how far back they go. The block helps the offender to understand their life as a whole and not to think of the offence as one event that simply happened.

Block 8 deals with peer feedback and goal setting. It gives offenders a chance to give one another a pat on the back. They are encouraged to say something good about one another in the group room, which, for many of them, is the first time that they have received positive feedback about themselves. The goal-setting element involves congratulating them on their progress in overcoming blocks, asking them how they see themselves progressing from this point and encouraging them to think about the future.

Block 9 examines the costs and gains of offending. Many offenders find it difficult to think of the gains that they had from offending, because it is not easy for them to admit that they enjoyed it—that they received sexual gratification from offending. They are encouraged to do a costs and gains matrix, which looks at the long-term costs for themselves and for their victims. They come to realise quickly that the short-term gains of offending were for themselves, but the long-term costs were very much for the victim.

Block 10 is an introduction to the victim empathy blocks, in which we use written and video

accounts. We read statements that victims of offences have made about what they thought, how they felt and how their lives have changed. We show video accounts of victims of offences speaking about their experiences and how their lives have been affected. We ask the offenders to comment on what they take from watching and hearing those statements.

Block 11 is "Victim Narratives". For the first time in the programme, we introduce role-play. We ask offenders to speak to their offences through their victim's eyes and to say what it was like for their victim. We ask them to try to imagine how the victim thought and felt at the time. That is the first time that many of the guys on the programme have thought about the offence from the victim's perspective.

Block 12 is "Victim Perspective Role-Plays". We ask offenders to take on the role of their victims, but that could be at the time of the offence, a few months after the offence, a few years after the offence or up to 20 or 30 years after the offence. We ask them to consider the impact that the offence had on their victim over a period of time.

Block 13 is "Victim Letters". We ask the offender to write a letter—it is never posted—to their victim. We ask them to say the things that they think their victim might want to hear.

Block 14 looks at "Old Me", by which we mean the offender at the time they committed the offence. We examine their lifestyles, their relationships, their expectations, how they thought, how they felt and what was going on in their lives. We ask them to make a collage using words and pictures that represent "Old Me" at the time of the offence, to get a good idea of who that person was.

Block 15 is called "Future Me". Offenders are asked to do another collage, but to think about the sort of person they want to be in future. We ask, for example, what has changed for them? How do they want to think? How do they want to feel? Where do they see their lives going? Where do they want to live? How do they want to work? Who will be important? Who will be part of their support network? Those are all things for them to consider in the future.

Block 16 is called "Future Me Alternatives to Offending". By then, we have asked offenders to identify what the "Future Me" person will be like and we put some of that into practice in role-plays. We take them back to situations that they have identified in their active accounts—the account that led up to the offence—and we ask them to role-play as "Future Me". The new thinking and feeling person has to deal with all the situations from the past, but do so more appropriately.

Block 17 is called "Getting to Future Me".

Offenders have told us about the wonderful new person they want to be, but how will they become that person? Realistically, what has to happen for them to get there?

That leads us to block 18, which considers setbacks. Offenders will encounter setbacks, because things will not always go their way. There will not always be support for them. They will not always get the job that they want first time. They will not always be reunited with their families. How do they deal with that?

Block 19 looks at "Future Me" role-plays, which relate to situations that the offender might be concerned about coping with in the future. The block looks at new ways or behavioural strategies that the offender can implement to make a more positive life. To make the role-plays more difficult for the offenders, some of their "Old Me" thoughts are whispered to them. They must not only use behavioural strategies to deal with the situation, but use cognitive strategies to silence the "Old Me" thinking.

Block 20 is the final block. It involves a discussion about what the offenders have taken from the programme, what worked for them, what still needs to happen and where they go from here. Those are the 20 blocks that make up the STOP 2000 programme.

15:00

The Convener: I see that the computer system is not working. It would take 10 minutes to fix it, which is not worth while because members have photocopies of the slides. You should not concern yourself, Stuart—that sort of thing happens to everybody.

Stuart Campbell: Before we came to the meeting, we wondered whether the technology would let us down, and it did.

The next programme that I will talk about is the adapted STOP programme. I will give the background to why we had to introduce an adapted programme. When we brought the core STOP 2000 programme from England, we quickly realised that the requirement that prisoners should have an intelligence quotient of 80 to be admitted into the programme was not realistic because many of the prisoners did not have an IQ of 80. To offer a service to those prisoners, we had to bring in the adapted programme, which is the third of the set of offence-specific programmes that we offer.

We introduced the adapted programme to Peterhead last year. I will outline the different way of working that it involves. The programme is intended to meet the needs of prisoners with learning difficulties, who cannot get on to the core

programme because they have, for example, difficulties with reading and writing, poor intellectual and social functioning, or difficulty in obtaining information. It asks a lot of any offender to go through the 20 blocks of the core programme that Debbie Armstrong outlined; the offenders must give a lot and they must carry the work that is done in the programme back into the galleries. They must also do a lot of work on their own. Therefore, those with an IQ of less than 80 would struggle.

The adapted programme is designed specifically for sex offenders with learning difficulties. It is cognitive-behavioural in its approach and utilises a range of multimodal teaching techniques to enhance learning. It is not just about writing; it involves drawing pictures and so on. I honestly believe that a picture sometimes paints more than a thousand words. That is true for the offenders who are on the programme.

The adapted programme aims to increase sexual knowledge; to modify offence-justifying thinking and the cognitive distortions that Debbie Armstrong mentioned; and to develop the offenders' ability to recognise feelings in themselves and others. One main component that we work on with offenders is developing victim empathy and allowing offenders to examine their feelings. To empathise with someone else, they must understand their own feelings. The programme also aims to achieve an understanding of victim harm and to begin to teach relapse-prevention techniques to offenders.

The next programme that I will mention is the pre-release programme. When offenders are taken into prison, time does not stand still and life goes on. One main part of our work is to prepare offenders for their return to the community. We take offenders into the pre-release programme for a 10-day period, during which we cover areas such as employment, which is done in conjunction with the Apex Trust Scotland. Offenders can gain a Scottish vocational qualification at level 1. Many offenders want to know what benefits they are entitled to when they move back into the community, so the local Benefits Agency office gives a talk about that. We also talk to sex offenders about drugs, HIV and safe sex before we allow them back to the community and some offenders have alcohol awareness training.

We cannot force offenders to take the programmes, which are voluntary. Staff in Peterhead and other jails are not coercing prisoners into programmes. They are promoting the benefits of the programme in order to change behaviour. If they wanted to, prisoners could sit in prison and not work on their offending behaviour or any related issues, but if they go on an alcohol awareness programme, for example, they can find

information about that.

We also consider the issues that will face an offender when he returns to the community. Many sex offenders are concerned about such things as supervision on release, where they are going to live, and how safe they are going to be.

We also talk through the basic components of relapse prevention so that offenders understand what will happen to them when they go outside and can recognise the danger signs that they might not have known about before. We concentrate on throughcare and supervision on release, which is provided by the social work department at Peterhead.

That concludes the presentation on what is on offer at Peterhead. I realise that we are slightly ahead of ourselves.

The Convener: No one will complain. We will move to questions from members.

Maureen Macmillan: Your last point was about involving the social workers in Peterhead in the throughcare and pre-release programme. We have heard evidence that many offenders come from the central belt rather than the north-east. How do you involve social workers from the central belt? How does the transfer work?

Stuart Campbell: Over the years, we have developed a procedure whereby we hold a pre-release conference before offenders leave Peterhead. In his evidence, Mr Gunn indicated that we normally move prisoners back to their jail of allocation six weeks prior to liberation. Six weeks prior to that, we normally structure a case conference that involves social work departments local to the area to which the prisoner is returning, and any other organisation, such as the housing department or the police, that will pick up offenders when they go back into their community.

The case conference is structured to allow the offender the first chance to meet the officer who will be supervising him on release and to maintain that link when the prisoner moves back to his jail of allocation.

Maureen Macmillan: Is the transfer fairly seamless?

Stuart Campbell: We try to make the transfer seamless.

The Convener: The STOP programme is also delivered at Barlinnie and Polmont. Perhaps it is not appropriate for you to comment, but do you have any views on the quality of delivery of the programmes in those prisons?

Stuart Campbell: Any programme that is delivered by trained staff has as much credibility as the programme at Peterhead. A member of staff at a prison other than Peterhead who gets

involved with this line of work, goes through the training and then delivers the programmes is as good as a member of staff who does that at Peterhead. However, obviously, Peterhead has a larger concentration of sex offenders than any other jail in the country. The core business of Peterhead is to work closely with sex offenders.

The Convener: Did you have anything to do with the way in which the STOP programme evolved or was established in those other prisons?

Stuart Campbell: Before 2000, when we brought the suite of core 2000 programmes from England, I began working in the programmes team in 1993. At that time, we were working on introducing the programmes.

As we moved on to prisons such as Barlinnie and Edinburgh, we were involved, along with psychologists, with the development and delivery of the programmes. However, things changed in 2000 when we moved to bring in the new sex offender treatment programme—the STOP programme, as it is now known.

The Convener: Did the programme not start quite recently in those other prisons?

Stuart Campbell: I think that Peterhead was the preferred site to begin the programmes in 2000, but things have moved on since then.

Paul Martin (Glasgow Springburn) (Lab): What is the rate of reoffending? It might be too early to answer that. How do you gauge the success of the programme? You offer quite a detailed programme. What tracking is carried out to ensure that, when prisoners are released, the programme has been successful? How many prisoners complete the programme?

Stuart Campbell: Before I talk about reoffending statistics, I should point out that our sample is a narrow one. It was put together by me and members of the programmes team and is really intended for evaluation purposes. If an offender whom we put through our programmes returns to prison, we want to know what went wrong out there, what difficulties they encountered and why they came back to prison. Since 1993, we have put about 286 offenders through the programme. Six of them have been reconvicted of a sexual offence and seven of them have returned because of a breach of licence. I can submit a copy of the document that I am referring to as evidence, if the committee so wishes.

The Convener: Yes, please.

Paul Martin: Is that a narrow sample of prisoners? In what way was the information collated?

Stuart Campbell: That information covered offenders who have gone through the sex offenders programme at Peterhead only. We have

been involved in this work since 1993. We wanted to ensure that we knew why offenders were going through the programme, returning to the community and coming back to jail. We wanted to discover what they encountered, why they found it difficult and why they fell back into offending behaviour habits.

The Convener: Are you referring to prisoners going back to any jail, not just to Peterhead?

Stuart Campbell: Of the 13 who came back, six were reconvicted of a sexual offence. Seven came back because of a breach of licence, not a sexual offence.

Paul Martin: So the rehabilitation programme has been successful for around 270 prisoners. Have any independent evaluations been carried out?

Stuart Campbell: It is difficult to make that statement. I should highlight the fact that sex offenders could be out in the community at this moment, committing sexual offences. They can be difficult to track and, as a lot of research suggests, they can be long-term planners and can offend for a number of years before they are caught. Very little research has so far been done on that in Scotland.

The programme has been introduced only in the past two years—we are very much in our infancy. In fact, we have been running since 1993, but we are now on a different programme. A number of years would need to pass before we could give hard statistics on the effectiveness of the programme.

Donald Gorrie: In a number of our prison visits we have come across some very good programmes run by highly dedicated people. In each case, there has been some doubt about how many prisoners have benefited. For various reasons, quite a lot of them never came into contact with the programmes. Do all the prisoners going through Peterhead benefit from the STOP 2000 and other programmes?

Stuart Campbell: I would hope so; I think that that is the whole point. However, to return to what I said earlier, we cannot just tell prisoners that they will take part in programmes; we have to create an environment in which they feel that programmes are of benefit to them.

Whether they take part in the STOP programme is a totally different story. Many prisoners, because they deny their offence or are appealing against their conviction, will not involve themselves. Only a very small percentage of the prisoner population at Peterhead is not involved in any programmes at all, be they cognate skills or alcohol programmes or the deniers' programmes.

Part of our remit relates to a desire to change

offenders' behaviour. The aim is to get them to take responsibility, and it is for them to conclude that they need to change their behaviour so that they do not reoffend in the community.

Donald Gorrie: Is there any evidence as to whether you actually do any good in the way of stopping reoffending, or has the programme not been running long enough for you to be able to say?

Stuart Campbell: The programme has not been running long enough for us to make that evaluation. I feel that we are doing good and that we see a change in offenders with whom we work in the programme. I am sure that Debbie Armstrong will back that up in the light of her experience. I hope that, after they get over the initial stigma of being in prison and become involved in a programme and go through the 20 blocks of the core programme, they will see themselves as better people and can go out into the community and live an offence-free lifestyle.

15:15

Debbie Armstrong: It is important that prisoners believe that there is a benefit for them. The programmes are entirely voluntary, and prisoners would not put themselves through a programme if they did not feel that they would benefit from it. They believe in the programmes, which is important.

Stewart Stevenson: I have a couple of small points to raise.

In Dr Jim McManus's submission to the committee, he states:

"Around 30 prisoners per year complete the programme—approximately 10% of the capacity of the prison."

In other words, he suggests that that is not a huge number. On average, roughly how many prisoners are released from Peterhead once they have completed the programme or shortly thereafter?

Stuart Campbell: I do not have that figure.

Stewart Stevenson: I think that it is about 50.

Stuart Campbell: I am not sure.

Stewart Stevenson: Alec Spencer is to give evidence later today. I shall read a quotation on reoffending from his book, which dates back to 1999:

"The rate of reoffence among sexual offenders is known to be very high."

That is a general offering—he does not use any figures. The rate of six out of more than 200 is certainly not something that any member of this committee—or anyone else—could reasonably describe as "very high". Am I correct in saying that those figures cover people who have been

released over a period of seven or eight years?

Stuart Campbell: Yes.

Lord James Douglas-Hamilton: My question is straightforward. Do you find that the receptiveness of the prisoners who go on the programme varies, or are all of them pretty receptive to it?

Stuart Campbell: Each brings their own ideas about what they want to achieve while they are on the programme. I am sure that the staff from Peterhead would testify that working with that particular prisoner group can be difficult. Staff must be able to motivate them into joining the programmes.

Lord James Douglas-Hamilton: Do prisoners go at their own pace or do they go at a pace that is driven by the course?

Stuart Campbell: There are two programmes, one of which—the adapted programme—works at the individual's pace. As I said in our presentation, the core programme lasts for 85 sessions—it can run over—whereas the adapted programme tends to work with the individual at a much slower pace. The expectation of prisoners who are on the core programme is that they can work at that pace because their IQ level is slightly higher. At times, we offer offenders work or support outwith the programme, if they require it or if there are areas in which they feel they are not doing very well. Such work or support does not get the offender out of doing the programme, but there are areas on which offenders must work and we will help and support them in doing so.

Debbie Armstrong: Pace is important. At Peterhead, we run the programmes two or three times a week. That allows the offender to internalise the work that they have done—they can go away and think about it, digest the information and come back prepared for the session.

Maureen Macmillan: What is the average length of sentence for a prisoner in Peterhead?

Stuart Campbell: We deal with long-term prisoners, who have sentences of four years and over—at the top end, a prisoner might have a life sentence plus.

Maureen Macmillan: The STOP programme takes several months. What happens after the STOP programme has finished but while a prisoner still has five or six years of his sentence left? Is the programme reinforced?

Stuart Campbell: We try to break the sentence up into manageable chunks. The first is the induction phase of the sentence. We do not allow prisoners to move into offence-specific work for the very reason that Maureen Macmillan highlighted: the work could become forgotten. The structure of the sentence must move along at a

pace. We look to engage prisoners into programmes during the middle phase of the sentence. That happens before the date on which the prisoner qualifies for a parole hearing, so that when a prisoner goes before the Parole Board for Scotland, his representations will stand a better chance, as he will have done the programme and other work. At the end of the sentence, there is scope to tackle other areas that need to be tidied up or worked on.

I talked about three programmes in relation to offence-specific work: the adapted programme, the extended programme and the core programme. There are other programmes, such as the booster programme, which we hope to introduce in Scotland in the near future. That programme is needed to boost the work that is being done.

Maureen Macmillan: That is needed towards the end of the sentence.

Stuart Campbell: Yes.

Michael Matheson: Stuart, you said that you had been involved in delivering sex offender programmes, in one form or another, since 1993. That is almost 10 years—I am not sure how long Debbie Armstrong has been doing that type of work. How long does it take for a member of staff to begin to work on those programmes? How long does it take for them to train and to build a level of competence and experience so that they can act as a group worker on the programmes?

Debbie Armstrong: I joined the SPS in 1996. I underwent a two-year probationary period, at the end of which I moved to the residential halls where the prisoners live. At that point, I had to apply to join group work. By then, I had had two and a half years' experience of working exclusively in a sex offender prison. During that time, I attended numerous staff training events that examined sex offender awareness training and collusion training. I had a heightened awareness of dealing with that type of prisoner population. Further training is required before prison staff can deliver the programmes. It took three years before I began to deliver offence-specific work to offenders.

Stuart Campbell: When a new member of staff is moved into the programme, the emphasis is on supporting them. We try to match carefully the member of staff with an experienced facilitator who knows the programme and its components and who also knows the dynamics of how to work in groups with offenders. It is vital that we match staff and facilitators in that way. Staff need to be supported and have continuing training throughout the programme. Our work does not stand still; research is produced and people need continually to update their skill base.

Michael Matheson: Debbie, you mentioned that

you spent two and a half years in the halls working with sex offenders before you moved into group work.

Debbie Armstrong: I spent two and a half years, part of which was during my probationary period. However, that time was not spent exclusively in the halls.

Michael Matheson: Before a member of staff progresses to deliver group work, is it important for them to spend time working with sex offenders in the residential halls?

Debbie Armstrong: As I gained a sound understanding of the prisoner group with whom we work, it was of benefit to me to have the help and support of the rest of my colleagues at Peterhead.

The Convener: Blocks 10 to 13 of the STOP programme cover areas from victim empathy to victim letters. What contact do you have with victim organisations and support groups? Do those groups have input into the programme framework?

Stuart Campbell: We do not include victim organisations in our line of work. We have taken advice from them.

The Convener: That is what I meant. I did not mean that they would be proactive.

Stuart Campbell: I am not sure whether the Prison Service in England utilised the input of victim organisations before 2000, but we made contact with Victim Support Scotland and the Scottish Rape Crisis Network. Those groups made presentations to the members of staff who were to become involved in our line of work. It is clear that the staff who work with sex offenders need to understand the impact of that offending on victims. It is important that staff do not simply read about it or watch videos. It is important to hear from someone who has gone through that experience. It enriches staff members' ability to work on offender programmes.

The Convener: There may not be an answer to this question, but what was the response of victims to the STOP programme? Have you received comments from victim organisations about the manner in which you deal with sex offenders? To put it mildly, sex offenders are not the most attractive people in society.

Stuart Campbell: Before 2000, we talked about our work and explained what we were doing. Public perception is important, as some members of the public might think that we are having a cosy chat and a cup of tea with offenders. The situation is far from that and organisations need to know that what we do at Peterhead is 20 blocks of very demanding work.

I hope that at the end of that process any

offender who has gone through it realises the impact of his behaviour on victims and on society in general.

The Convener: It is important that victims know that.

Stuart Campbell: Yes, it is.

The Convener: Do members have any other questions? Thank you very much. We have time for a cup of tea. The witnesses are welcome to partake of the Parliament's rich refreshments.

15:25

Meeting suspended.

15:36

On resuming—

The Convener: I welcome Alec Spencer, who is director of rehabilitation and care at the SPS. It is good to see you. We perhaps should have had you along before. That is the advantage of our day considering attitudes to sentencing in Glasgow.

Will you provide some background information about your employment history, your areas of expertise and so on?

Alec Spencer (Scottish Prison Service): I joined the Prison Service in 1972, which is now almost 30 years ago, and have worked in the Prison Service for that whole period. In the past 12 years or so, I have been governor of Dungavel prison, Peterhead prison, Edinburgh prison and, most recently, Glenochil prison, before being appointed to the SPS board. The board was aware that we had to focus on rehabilitation and important issues about reforming prisoners. The board was restructured and the post that I have occupied since 1 May last year was created.

The Convener: What is your current role?

Alec Spencer: As director of rehabilitation and care, I cover issues such as health care, psychological services, programmes and inclusion. That covers employability in industries, education, social work and so on. I have a wide remit.

Maureen Macmillan: In his written submission, Dr McManus, who we will hear from later, suggested with reference to the STOP programme:

"the jury must still be out on the success of the programme in Scotland."

He cites the limited time for which the programme has been available in Scotland. That is compounded by the changes that the programme has undergone since its introduction. Other witnesses have also commented on the issue.

What comment would you make?

Alec Spencer: I suppose that the jury is out, but we hope that the programme that we are delivering works. The programme that we have recently delivered is one that we acquired from HM Prison Service, which has already undertaken research—the report “STEP 3: An Evaluation of the Prison Sex Offender Treatment Programme”. That report indicates that intensive work with sexual offenders has some effect. The general model that we have been using seems to have effect not only in England but in other countries in the world. We are confident that the approach that we are taking, which is the cognitive approach, is effective.

The committee has probably heard from previous witnesses that there have not been many graduates of the programme and that not many of them have been released. To that extent, the jury is out, because we do not have a scientific basis on which to assert that the programme is effective. We are developing the processes and we hope that, in a few years' time, we will be able to come back and give the committee a percentage for the success rate of the programme.

Maureen Macmillan: Can you clear up some confusion in my mind about reoffending rates for sex offenders? I am sure that I read somewhere that reoffending rates for sex offenders are quite low, but it has also been suggested that they are very high. Which is it? Do some types of sex offender tend not to reoffend? Do you have any statistics on that?

Alec Spencer: I have not brought any statistics with me. The question is interesting and complex. I have seen recent research that seems to indicate that the earlier view that reoffending rates for sex offenders are very high is misplaced. The research in England indicated a lower reoffending rate. However, it depends on the type of offender. The reoffending rates for people convicted of domestic incest or a family offence are quite low—in the teens. We would not expect many such offenders to reoffend. That is partly because they are known and do not return to their family and, if they do, people know what happened and can prevent it. In some cases, the children are older and so on. That is at one end. People convicted of offences that involve greater violence and strangers have a higher degree of reoffending—in the 30 to 40 per cent bracket. However, those are the known reoffending rates—sex offenders can reoffend without us knowing about it.

Maureen Macmillan: Do you know what types of offender tend to take up the STOP 2000 programme? Is it usually those who have committed crimes against their own family?

Alec Spencer: It tends to be those who have

committed offences against children, both in the family and outside it.

Maureen Macmillan: So it might be those who have a lower rate of reoffending, although, as you say, we do not know. People who have offended against children often take a long time to build up a relationship with a child before offending again, so it could take several years.

Alec Spencer: There are some delays in the process. We would hope that a programme would have an effect, which might lead to a shift of perhaps 10 to 15 per cent. That is a considerable shift in a group that reoffends at the rate of 20 per cent.

Maureen Macmillan: Dr McManus suggests in his submission that the strategy of housing sex offenders in Scotland should not be based around the STOP 2000 programme, because of the limited number of sex offenders who participate in the programme and the limited amount of time that prisoners spend on the programme compared with the time spent on other activities. Will you comment on the view that there is no need for a specific sex offenders institution to deliver such a programme?

Alec Spencer: I estimate that about 10 per cent of the prison population are sex offenders. That includes short-term sexual offenders and longer-term offenders that we might not class as sex offenders—we might not know about some of them because they are murderers and that would be their index offence, so it would not have a sex tag.

Dr McManus is right to say that, so far, Peterhead has dealt with only a small number of offenders. Since 1993, the throughput has been about 920 or so offenders. As Stuart Campbell told the committee, about 270 to 280 have gone through the programme. The programme at Peterhead is intensive. We are now undertaking work in Barlinnie and Polmont with longer-term prisoners. We intend to have programmes for short-term sexual offenders, too. The Cosgrove report indicated that we need to provide programmes for all sexual offenders and it is our intention in the next year to roll out programmes for short-term offenders, which will probably be based in local prisons.

Maureen Macmillan: If Peterhead is closed and a new institution for the treatment of sex offenders is created—either as a separate prison or as a prison within a prison—would it be possible to recreate what currently happens at Peterhead? If so, how long would that take? We are worried about there being a break in the delivery of the programme.

Alec Spencer: I will try to help, but I should point out that the Deputy First Minister and

Minister for Justice has appointed me to chair a review group, which is considering some of those issues. I do not want to pre-empt anything that the review group might determine.

As was mentioned by Ian Gunn, the governor who spoke previously, it must be possible to create programmes. Indeed, I was involved in the creation of the programme at Peterhead. Peterhead cannot be the only place where we are able to do that. We develop and deliver programmes in nearly all our prisons in Scotland. Last year, we delivered about 1,000 long-term approved activities and programmes in our Scottish prisons.

15:45

Maureen Macmillan: We are trying to find out whether the programme would suffer through things such as loss of staff if it were transferred elsewhere.

Alec Spencer: Transitional issues would need to be addressed. No one would say otherwise.

Michael Matheson: I want to pick up on what you said about developing a scheme to evaluate the programmes that are delivered in prisons. Your answer implied that the prison service currently has no effective mechanism to evaluate the treatment programmes that are being provided. Is that the case?

Alec Spencer: Unfortunately, that is the case. We are developing our computer systems so that we can track prisoners against the interventions that we provide. We will then be able to analyse them down the line and make judgments. The extra bit of software is being developed and will not be in place till next year. We are building up historic data. We have the names of all those who have engaged in the sex offender programme and of those who have taken part in the cognitive skills programmes across the estate. We are building up the database, but until we have the new software, it will be difficult to link the names of individual prisoners and the number of prisoners to the outcomes. We will track prisoners down the line by examining not only how they responded in prison but what happens after they have been released for a year or two.

Michael Matheson: Why has it taken until the new millennium to start setting up a system to evaluate the treatment programmes?

Alec Spencer: Interest in the programmes is growing, but it is only in the past decade that people have asked the Scottish Prison Service to provide programmes. We are starting to consider how to evaluate those programmes. They are of recent origin. The programme in Peterhead started only nine years ago.

Michael Matheson: We have heard a considerable amount of evidence that Peterhead has a holistic approach and has created a culture that is conducive to allowing sex offenders to address their offending behaviour. When I visited Peterhead, I was struck by the evidence that the prisoners themselves feel that Peterhead has an environment and culture in which they can address their offending behaviour. Are there key benefits in having a prison that deals solely with sex offenders?

Alec Spencer: As I said, I must be careful about what I say because of the review group. However, I think that I am already in print as saying that it is desirable that any major centre for the delivery of programmes should have a suitable environment. That means an environment in which, for example, prisoners do not feel under threat from other prisoners, and in which visitors are not threatened either.

Michael Matheson: Are there key benefits to be gained from prisoners being in an environment that allows them to address their offending behaviour?

Alec Spencer: I think so, but the jury is out on that. No research has been done on the benefits of having a monoculture. Indeed, I think that such a regime is offered in only one other place, which is in New Zealand. I think that I support the view of staff. It appears logical and right that people who must engage in difficult tasks—that is, discussing their offending behaviour and their attitudes and belief systems—should do so in an environment that is as supportive as possible.

Michael Matheson: As director of rehabilitation, are you satisfied that the treatment programmes at Peterhead are being delivered as effectively as they could be?

Alec Spencer: The group that I chair will consider whether we can improve the programmes' effectiveness. That is not a criticism of Peterhead. As time moves on, we will assess whether there are throughcare, public protection or other issues that we want to bring to the attention of the Prison Service in order to advance the programmes at Peterhead or elsewhere. No decision has been made on that.

When considering Peterhead, it is important to distinguish three different matters. One is that staff there are delivering a good programme—there is no doubt about that. Then there is the issue of the Peterhead buildings. I tell the committee that they are no use and are not fit for purpose. Whatever else happens, I think that those buildings should be pulled down and something else built. The third issue is where a replacement should be located. At the end of the day, those decisions are not for the SPS board.

Michael Matheson: You mentioned that STOP 2000 programmes are also being delivered at Barlinnie and Polmont. Will you enlighten the committee about the differences, if any, between those programmes and the Peterhead programme?

Alec Spencer: The Barlinnie programme is similar to Peterhead's; it is a core 2000 programme. However, Barlinnie has tried to capture the longer end of the short-term market, if I can put it like that. Our short-term prisoners are defined as those who have sentences of up to four years, which means that they serve two years in prison. Barlinnie is trying to deliver a programme to prisoners who will be in prison for about nine months or longer.

As Stuart Campbell said, the Polmont programme is an adapted STOP programme, which is given to young offenders who have shorter attention spans and lower IQs.

Michael Matheson: You said that there is no research to show that a monocultural prison is necessarily the best approach to dealing with the offending behaviour of sex offenders. Is there any evidence to suggest otherwise?

Alec Spencer: No. I have seen the programme that Professor Marshall delivers in Canada in the Bath Institution, which is not a monoculture. He delivers the programme with non-sexual offender prisoners present. The programme that we use is primarily the same, but with adaptations, as is the one delivered in about 25 or 27 sites in England. Nearly all of those are multi-prisoner sites. If there is a programme delivered in the community, the offenders come from various backgrounds. A monoculture is a rare commodity, but it occurs in New Zealand and Peterhead.

The Convener: When did the Barlinnie and Polmont STOP programmes start?

Alec Spencer: The Barlinnie programme has run for two courses. It started in 2000 and delivered programmes in 2000-01 and 2001-02. The Polmont programme started late last year in, I think, October or November.

Lord James Douglas-Hamilton: We heard in earlier evidence that the community in Peterhead has accepted the presence of a prison for sex offenders in the town's vicinity. Dr McManus suggested in his submission that it would be easier, when trying to integrate prisoners back into their communities towards the end of their sentences, if the prison were situated close to different large centres of population, rather than one medium-sized town. Do you have any views on that?

Alec Spencer: Yes. I believe that throughcare is best maintained if we can involve social work and

other agencies at the earliest opportunity. Therefore, ideal throughcare is when a social worker is involved from when a prisoner comes into prison to when they are released. It must follow that the closer the prison is to the area from which the prisoner comes, the easier that throughcare element will be. We heard from Stuart Campbell that they have one case conference about six weeks before the prisoner is transferred nearer to his home.

A couple of weeks ago, I made the journey to Peterhead from Shotts prison and it took me about three and a half to four hours. That must be a huge drain on resources. If somebody spends their whole working day—seven or eight hours—just driving to Peterhead and back for a case conference, that cannot make economic sense or any other sort of sense.

Lord James Douglas-Hamilton: Can we be quite clear? There are social workers in Peterhead, in the prison and in the community. Your point is being made on behalf of the social workers in the lowland belt of Scotland who must travel to visit prisoners before they are eventually released.

Alec Spencer: I am not making that point on behalf of social workers. I was trying to indicate that throughcare is enhanced if prisoners are located nearer to their home.

Lord James Douglas-Hamilton: Yes, but if a prisoner is at Peterhead for the vast proportion of his sentence, that prisoner will be dealt with by a social worker stationed at Peterhead.

Alec Spencer: Yes.

Lord James Douglas-Hamilton: So, the point that you are making is that the situation is not convenient for social workers who are situated in the central belt of Scotland.

Alec Spencer: The arrangement is not convenient for them.

Lord James Douglas-Hamilton: Do not you think that prisons are there primarily for the protection of the public? Surely the convenience of social workers should not guide the whole system.

Alec Spencer: You are right to say that prisoners are sent to prison for the protection of the public. The security record of all our Scottish prisons is extremely good, so the public would be protected from sex offenders who were located in any of our prisons.

Lord James Douglas-Hamilton: Although considerations of convenience obviously have a part to play, they should not be an overriding concern, because social workers can travel to the prison if a prisoner is about to be released.

Alec Spencer: Convenience is not the major

consideration. Public safety is the major consideration, so having an effective programme and an effective throughcare process is important.

Lord James Douglas-Hamilton: One of the arguments against retaining Peterhead as a location for a prison that houses and treats sex offenders is that it is remote from the population centres of Scotland and, accordingly, it is difficult for the prisoners' families to retain appropriate contact with them. Given the fact that many of the prisoners have offended within their family unit, is that consideration a great deal less relevant than it would be in relation to other prisoners?

Alec Spencer: It is somewhat less relevant, but I do not think that, because prisoners are accommodating us by being located in Peterhead, we should necessarily agree that that is right. What I mean by that is that the place for prisoners who are sex offenders is Peterhead—they feel safe there. That is why a number of the prisoners petition to stay in Peterhead—not to stay in Peterhead as a location, but to stay in a safe environment. Nobody has said that such an environment could be replicated elsewhere. Prisoners want to stay in Peterhead because they consider it to be safe. They are, as it were, colluding with not having visitors because it is better than being elsewhere. I have heard members of the Justice 1 Committee ask before whether visitors to sex offenders in other prisons are harassed by other visitors. Prisoners like to be in Peterhead because they know that their visitors will not be harassed.

If you ask me what prisoners want generally, I will tell you what I know from being a governor many years ago. We had riots and other problems in Peterhead before we had sex offenders there. Part of that was due to the fact that the accommodation, visiting and access facilities were very poor. Those things have not changed, but we now have a compliant population that would rather do without visits, or have visits that are arranged only with difficulty, than move elsewhere.

The Convener: May I clarify that? The chief inspector of prisons suggested that 50 per cent of prisoners do not have regular family visits, not because of remoteness but due to the nature of the crime that they have committed.

Alec Spencer: I am pleased that you raised that matter, because it reminds me of one other point. The fact that many Peterhead prisoners do not have family visits may not be desirable. We need to reintegrate people into the community. We do not want them going off and being isolated somewhere else. At some point, they need to link in with the support mechanisms outside, and that may include the family. Just because prisoners do not want their families to visit does not mean that they should not make those important links.

Lord James Douglas-Hamilton: In cases of incest, immediate members of the family might be absolutely opposed to the offender having family visits. Their wishes have to be respected.

Alec Spencer: I agree.

16:00

Lord James Douglas-Hamilton: I want to go back to the point that you made about sex offender prisoners wanting to be safe. If, for the sake of argument, the unit were moved to Glenochil prison, would not there be a considerable risk that the prisoners in the rest of the prison would have contact with the sex offenders, who would be at risk?

Alec Spencer: That is a hypothetical situation, but if the unit were to move to Glenochil, the whole prison would be a sex offender prison that housed 496 sex offenders or vulnerable offenders, so other prisoners would not harass them.

Lord James Douglas-Hamilton: I have been led to understand that that is not the proposal.

Alec Spencer: It is a suggestion in the estates review.

Lord James Douglas-Hamilton: You said that the facilities at Peterhead are not good enough and that they have to be renewed. Cannot that case be advanced on behalf of every major prison in Scotland? For example we heard that Saughton prison has a programme for the renewal of buildings, which will take 10 years. Cannot the case be advanced on behalf of Perth, Barlinnie, Inverness and Aberdeen prisons?

Alec Spencer: Absolutely. You are right that all those prisons are Victorian. Barlinnie, Aberdeen, Inverness, Perth and so on are ancient prisons, which we need to refurbish and renew. The difference, which none of your other witnesses has mentioned, is that Peterhead is constructed differently. I noted that the inspector's building report talked about the buildings there being of massive construction. They are solid and they will be around in 100 years' time, but the thick shuttered concrete makes it difficult to make changes to them.

It would be enormously expensive and would take an enormously long time to put in integral sanitation and change the structure. Some of the cells are very small, the doorways are small and the infrastructure is poor. That is not an argument for where the prison should be, but it shows that we cannot make the same modifications to Peterhead that we could make to the stone buildings of other prisons.

Lord James Douglas-Hamilton: Would not it be possible to build a new prison on the large site

next door and add to it with land from the existing prison if that were necessary?

Alec Spencer: If the decision were made to build a new prison there, that would be possible. The decision would be political and the taxpayer would have to consider it, because there are various options for funding the new building.

Lord James Douglas-Hamilton: It has been reported that there is to be a review of the future management of sex offenders. Will you mention very quickly the time scale and remit for that review and your role in it?

Alec Spencer: I will chair the group that will carry out the review. I am quite happy to circulate the remit after the meeting. The terms of reference are to provide ministers with advice on the practical issues and implications that will have to be taken into account to enable a fully informed decision on the future of Peterhead to be reached.

In particular, the group must have regard to advice about the type of population—whether there should be a monoculture or a mixed population. It has to consider whether there should be dedicated accommodation in which only offenders who are on programmes should be held or whether there should be a bigger establishment where sex offenders who are not engaged in programmes can also be held. It has to consider the likely disruption that a move would cause if it were to take place and whether that could be managed without reducing the effectiveness of the programme. It has to consider staff training issues, transitional arrangements and the impact that a transfer would have on throughcare processes and any other public protection matters.

The Convener: You said that it would be enormously expensive to make adaptations to Peterhead. When I asked the current governor, Ian Gunn, whether there was a detailed cost-benefit analysis for writing Peterhead off, he said that there was not. What is your figure, if making adaptations is enormously expensive?

Alec Spencer: I do not have a figure. I know that the structure is such that it is very expensive to make adaptations. Some of the adaptations that we have tried to make over the period—we had to make fire escape alterations recently—have proved extremely expensive and take an enormous amount of time. The building is very solid.

The buildings are not the issue. Because of the size of the cells, their structure and their infrastructure—

The Convener: With respect, you said that it would be enormously expensive to adapt Peterhead. Given that the governor cannot put a figure on that and there has been no cost-benefit

analysis, I wonder how you can say that it will be enormously expensive.

Alec Spencer: I do not have the costs in front of me, but we are dealing with—

The Convener: Can we have the costs?

Alec Spencer: I will try to find some for you.

Maureen Macmillan: I want to talk about throughcare. While I accept the fact that it is more convenient for social workers from the central belt not to have to travel to Peterhead, I think that that is not the issue. The issue is what is the best way to deliver throughcare to the prisoners.

I was under the impression that, towards the end of their sentence, prisoners were moved down to the central belt to see social workers.

Alec Spencer: I understand that that happens for the last six weeks of their sentence.

Maureen Macmillan: Is that long enough? Are you happy about the provision for throughcare for offenders coming from Peterhead?

Alec Spencer: Part of the problem is that I am also on a review group and I know that that group will want to consider the best way of delivering throughcare.

Michael Matheson: I understand that you are the director of that review group, but do you have a view as the director of rehabilitation in the SPS?

Alec Spencer: My view is that throughcare is crucial to the management of sex offenders in the community. We have to do whatever we can to ensure that we have seamless and enhanced throughcare. It might be considered that the issue is to do with convenience for social workers, but I do not think so. It is important to establish, as early as possible, relationships between those who are going to supervise the sex offender on release and the sex offender. If that happens only in the last six weeks, the relationship will not be as effective. The social worker will be unable to get to know the offender as well as they would if they had been involved with them for longer.

Michael Matheson: It sounds as though you are saying that you do not think that the present six-week arrangement is adequate.

Alec Spencer: There are always ways in which we can seek to improve arrangements.

Michael Matheson: What action has the SPS taken to use the facilities at open prisons? That would allow community contacts to be built up with prisoners who are at the end of their sentence in Peterhead.

Alec Spencer: One or two prisoners who are sex offenders go to Noranside open prison. However, it is difficult to move prisoners on to

other establishments. We have not yet introduced the rolling programme—which is a basic one that will enable top-up of the work that is done in Peterhead, or elsewhere—but we hope to do that later this year. Later this year or early next year, we hope to have staff trained to start working in open prisons.

Michael Matheson: Could the concerns about throughput and the location of Peterhead be addressed readily through the use of open prisons, with suitably qualified staff, and ensuring that the pre-release process started at an earlier stage?

Alec Spencer: I do not believe that there should be a pre-release process. That period should start at the beginning of the sentence.

Michael Matheson: I think that you know what I mean.

Alec Spencer: Any advance on the six weeks would be a benefit.

Michael Matheson: Could that be done effectively through the open prisons? That would allow ready access to the central belt.

Alec Spencer: The open prisons are closer to the central belt, yes.

Lord James Douglas-Hamilton: You said that you think that six weeks is too short a time. Let us suppose, for the sake of argument, that it was decided to keep Peterhead on its present site. Would you be able to draft a paper for us stating what period you think would be best to deal with the problem and how that could best be addressed?

Alec Spencer: The review group that I chair will be doing something like that, in the sense that it will provide advice to ministers. The group has no preconceived ideas about whether Peterhead prison should stay there or not, and it is not meant to make a recommendation on that. We will try to lay down what we consider to be the best throughput model, whether that is at Peterhead or somewhere else.

The Convener: When will the group report?

Alec Spencer: We hope to be able to report by about the end of June. It is a short, six-week review group, but we hope that it will enable ministers to reach a more informed decision.

Lord James Douglas-Hamilton: Will the report be internal, or will it be published so that we can see what is in it?

Alec Spencer: We will provide the report to ministers, but I understand—although I could be wrong; I might need to seek clarification—that estates review evidence will eventually become public.

Lord James Douglas-Hamilton: In that case, since the report may not become publicly available within the time scale to which we are working, may I persist by asking you whether the period of six weeks is too short and, if Peterhead prison was to stay at its present site, what period would be suitable?

Alec Spencer: It is not about a period; it is about a process. We have to ensure that there is good contact between the social work department and social workers in the receiving area, and those who are engaged in the programme and with the management of prisoners. I could say that eight weeks is better than six, or 10 weeks is better than eight, but it is about a process, in which we have good communication between the Prison Service and other agencies.

Lord James Douglas-Hamilton: How often will the review group meet?

Alec Spencer: We are trying to meet approximately fortnightly.

Lord James Douglas-Hamilton: Are you saying that you are not in a position to give us a paper on the process that you would like to be in place if Peterhead prison remains on its present site?

Alec Spencer: I do not think that I should speculate at this stage. As I said, the review group is examining that matter and I would rather not pre-empt what the group is coming up with.

Lord James Douglas-Hamilton: I ask you to bear in mind the fact that although the Minister for Justice has stated an intention, no decision has been taken, and consultations are taking place on the statement that he made.

Alec Spencer: Yes.

The Convener: We understand why you do not want to pre-empt the group's view, but once your group has come to a view, it would be useful if you would take soundings on whether the committee can see the group's report, because it could form part of our response to the prison estates review. We are just seeking professional guidance.

Alec Spencer: My remit is to report to the Deputy First Minister and the—

The Convener: We will be in touch with the Deputy First Minister to seek sight of that report in order that we can consider it before finalising our report if, as you say, it will be produced at the end of June. By then, or thereabouts, our draft report will be ready. That is a matter for us, which we will pursue.

Stewart Stevenson: I want to go back over some of the things that the committee has heard this afternoon, and some of the things that Alec Spencer has said, to bring them into focus as a

precursor to my question.

You mentioned that Professor Bill Marshall presents his programme to a prison in Canada, and that that is a hybrid, rather than a monoculture, prison. In your book, at page 58, you quote Professor Marshall, with some favour, as saying three years ago that group work

“is best conducted in an institution with sound peripheral security that exclusively houses sex offenders.”

That is one thing. We have also heard that of the graduates—if I may use that word—from Peterhead, the Prison Service's own information network, which is called SPIN, shows that only six have so far reoffended since being released.

16:15

The Convener: That is an appropriate name for the information network.

Alec Spencer: It stands for Scottish prison information network.

Stewart Stevenson: I am told that that is what it is called.

The Convener: It is an unfortunate acronym.

Stewart Stevenson: It might be. Alec Spencer will be damned if he does and damned if he does not. If he says that the figure is wrong, we will ask other questions.

Alec Spencer has clearly been talking intensively to the prisoners at Peterhead, as he appears to be able to say on their behalf that their affection for Peterhead is based purely on its being safe rather than its being a location where they feel that they can address their offending behaviour.

On the monoculture versus the hybrid system, we have only examples of success from the monoculture system. Peterhead has had awards and worldwide recognition. Under the present throughcare arrangements for social work and the programmes that are delivered at Peterhead, there have been six reoffenders. What improvement and reduction in that number of six reoffenders does Alec Spencer aim to deliver by taking the substantial risk that must be involved in interfering with the work that is done at Peterhead. Is it four? Is it three? Is it two? Is it none? What is the figure for the reduction in the reoffending rate against which he is prepared to gamble Peterhead's success?

Alec Spencer: That was a whole host of questions; I am not sure that I can remember them all.

I did not say that safety was the sole reason for prisoners wanting to remain at Peterhead. It is one reason, but when I spoke to prisoners, some of them said that they liked the staff and the culture

there. I should put that on the record. Peterhead does a good job. However, the fact that it receives recognition and has won awards does not mean that it does a good job. Doing a good job means reducing reoffending. The prison can win awards, but the proof of the pudding is in whether people reoffend and whether the public feel safer as a consequence.

Stewart Stevenson: Is six an acceptable number of reoffenders?

Alec Spencer: That figure has been bandied around a lot. It relates to reconviction, but I understand that seven other people have breached their licence. We do not know whether that means that they started on the road to reoffending and were stopped. Whether the figure is six or 13, I do not deny that it is a good treatment outcome. The issue is whether that outcome can be replicated elsewhere. I start with the premise that I mentioned earlier: if we can set up such a programme in one place, we could set it up in another place, if we were so tasked.

The quality of staff in other prisons is equally as good. If the staff are well motivated, they will deliver as well as the Peterhead staff do. I have no doubt about that, because I have worked in many establishments. Many of our staff deliver programmes—more than 1,000 have been delivered in the prison system in the past year.

It is wrong to ask what the acceptable level of offending is. It would be nice if we delivered something that prevented people from reoffending. At the end of the day, the responsibility for committing offences does not rest with the Scottish Prison Service, but with the offender. We must try to facilitate an attitudinal change that will stop people reoffending.

Stewart Stevenson: Bill Rattray, in his evidence to the committee, made it clear that in his new position he expected to be responsible for assessing risks in the SPS. You might disagree with that. He also said that up to that point—a few weeks ago—no request had been made for the risks to be assessed.

Do you accept that there might be substantial potential risks—albeit there might be ways of managing those risks—associated with the closure of Peterhead, its replacement by a new building in another location, and the establishment of a new team with new personnel who will have to be trained, although the training could build on the core of what exists at Peterhead? Do you accept that those risks will exist during the period of time for which there will be disruption to the programmes? Do you also accept that far and away the lowest risk option would be to protect the programmes and team at Peterhead and to leave them in situ?

Alec Spencer: Fundamentally, things change. Even if we kept Peterhead functioning in its existing form and delivering the sex offender programme, that programme would have to change as our knowledge improves and as we get feedback and do research and evaluation. Things do not stay still. The question is, can we establish a programme elsewhere and can we ensure that the prisoners who receive that programme elsewhere would get the same benefits as those in Peterhead?

The Convener: Stewart Stevenson's question was quite long—perhaps that is why you missed the point about risk assessment.

Stewart Stevenson: I simply want to know whether you can improve on what is being done at Peterhead with the existing substantial risk that you have not assessed.

Alec Spencer: You are right that there has been no risk assessment of the closure of Peterhead, because no decision has been made.

Stewart Stevenson: So it is a blank cheque job?

Alec Spencer: No, it is not. The group that is charged with reviewing the matter has to consider any possible risk of disturbance to the programme and danger to the public that might be generated by transference of the programme. That is exactly what ministers asked my group to do.

Stewart Stevenson: That was a result of parliamentary pressure and concerns about the prison estates review, which concentrated on buildings and did not consider rehabilitation. Is not that the case?

Alec Spencer: The SPS made the assumption that ministers would not want to generate risk and that if Peterhead was closed and a new establishment opened, the programmes would already be in place and running before the prisoners were transferred. There would, therefore, be no break in the delivery of the programmes. Throughcare programmes—

Stewart Stevenson: Who suggested—

The Convener: Wait just a minute. I am trying to understand. The risk assessment is part of the response to the prison estates review. Is that correct?

Alec Spencer: Ministers have asked for information about risks and whether they will be manageable.

The Convener: Was that a response to the prison estates review? Is it now part of your work?

Alec Spencer: Ministers have asked my working group to do that, yes.

The Convener: We require to see the document if the committee is to take a view on what your group reports. The Deputy Minister for Justice is coming to the committee on Thursday, so we will ask him then.

I want to move on and give Donald Gorrie the chance to ask his questions on rehabilitation.

Donald Gorrie: My questions have nothing to do with Peterhead.

Are you the boss of rehabilitation outwith prisons as well as inside prisons?

Alec Spencer: The short answer is no. However, we have a contract with Cranstoun Drug Services Scotland, through which we are providing post-release support for a transitional period of up to 12 weeks. For that period, we try to influence some of the people who are engaging with our support workers and tackle drugs and other inclusion issues such as accommodation, financial problems, education, further training and employability. However, my job ends when people leave prison.

Donald Gorrie: Is anyone in charge nationally of rehabilitation outwith prison?

Alec Spencer: That is a good question for the nation. The SPS tries to support people who are in prison as much as it can. It tries to get those people to change their attitude and approach by engaging them on the longer-term personal change programmes. It can try to help them with inclusion issues such as opportunities for employment and housing, and with tackling drugs problems.

However, once people leave prison, we have, in principle, no say over them—apart from the contract with Cranstoun. Unless offenders are serving more than four years, in which case there is statutory supervision by social workers, the only access that they have is to statutory voluntary aftercare.

Donald Gorrie: Are there any rehabilitation programmes for prisoners with sentences of six months or less?

Alec Spencer: Yes. We now have some approved activities. Some committee members saw the throughcare centre at HM Prison Edinburgh. We work with Apex Scotland and engage with a variety of partner organisations. Part of my remit is to improve that whole area. We need to consider the situation of short-term offenders and do far more with them.

Donald Gorrie: Could more rehabilitation be done with them outwith prison as opposed to in prison?

Alec Spencer: I am sure that it could. I am not sure where your question is leading, but I suggest

that there are a lot of short-term prisoners who would be better not coming to prison in the first place.

Donald Gorrie: What about after prison? We have had some discussion about sex offenders, but am I right in thinking that, in general, some statutory social work is involved for people who have been in prison for four years plus, and that the voluntary sector is involved in cases of prisoners who have been there for less time?

Alec Spencer: Yes. In such cases, it is the voluntary sector that is involved. Statutory voluntary aftercare can be provided by local social work departments. Our contract, run by Cranstoun Drug Services Scotland, which is a charity, is intended to support people who are drug misusers in prison and who are looking for support. Our hope and target is each year to involve up to about 10,000 prisoners in voluntary aftercare, which we will try to provide.

Donald Gorrie: So you have no responsibility for that work after—

Alec Spencer: We have no statutory responsibility for it.

Donald Gorrie: Much emphasis has been laid on prisoners spending time in workshops, particularly at Kilmarnock prison. There is a view that the work that prisoners do in the workshops is totally irrelevant to any job that they could possibly get when they come out and that, therefore, the work is not all that valuable. What is your view on that?

Alec Spencer: That is an area that has been perplexing me and about which I have been concerned since I took up post a year ago. Prison industries employ a lot of staff and capital as well as keeping prisoners occupied.

Historically, we have a tradition of trying to inculcate the work ethic into prisoners, which is where the whole process has come from. You are absolutely right to focus on the fact that, in this day and age, it is most important to ensure that prisoners have the appropriate skills for employment. That means evidencing their ability to work with colleagues and to take instruction, and the fact that they are numerate, literate and so on—that they have a range of skills. We are examining that at the moment.

We have recruited a new head of inclusion. Janice Hewitt joined us a couple of months ago from Apex Scotland and is particularly aware of issues of employability. We will examine that whole area to try to improve exactly the situation that you are talking about.

Donald Gorrie: If more resource was put into the programmes inside jails, would that help? Are resources an issue, or are many prisoners not

suited to the programmes? On our visits, we gained the impression that, although there are a lot of good programmes, many prisoners do not see a programme at all.

Alec Spencer: Part of the problem is that our traditional, accredited programmes are very long term. You heard that the Peterhead programme is long in duration. Cognitive skills and anger management programmes are both long-duration programmes. We want to have more such programmes, including one for domestic abuse, but we need to focus more on shorter programmes, which are called approved activities. I have circulated a leaflet called “Interventions to Address Offending Behaviour”.

The Convener: We have it.

Alec Spencer: Five of those shorter programmes have been approved in the past few months, since I became director. We are encouraging prisons to come forward and, as you heard from the governor of Peterhead, they are developing more of their own programmes. We are keen to encourage the development of short-term programmes for short-term prisoners, in order to help them.

Donald Gorrie: Thank you for that helpful information.

16:30

The Convener: We are overrunning by 15 minutes, so I ask Maureen Macmillan to keep her supplementary question brief.

Maureen Macmillan: There is some controversy over whether the prison estates review takes account of the new throughcare programmes and the change in sentencing policy—that is, community disposals instead of sentences of under six months. It has been said that the estates review took those issues into consideration, but some witnesses have said that it did not. Safeguarding Communities Reducing Offending—SACRO—suggested that if we were to stop sending people to prison for sentences of under six months, and if throughcare were properly delivered, we could save up to 2,000 places. In my view, that figure is somewhat excessive. Do you have a view?

Alec Spencer: Yes, I do. I recall that 82 per cent of our convicted receptions are serving—

The Convener: Six months or less.

Alec Spencer: They are serving sentences of a year or less, which means that they will spend six months or less in prison. More than 50 per cent—I forget the exact figure—are serving sentences of six months or less, which means that they will serve under three months in prison. The daily population figures for last week show that our

short-term population was 2,879 prisoners—that is, prisoners serving sentences of under four years, or two years or under, in prison. Only 839 prisoners were serving sentences of between two and four years and 624 were serving sentences of between one and two years. Therefore, 1,400 prisoners were serving sentences of under a year.

Maureen Macmillan: If we could stop sheriffs sending people to jail for sentences of under six months, we would not need to build any new prisons.

Alec Spencer: There are two different issues, the first of which is the number of people in prison. We keep talking about record highs in prisons, and last week we reached a record high of 6,666 prisoners in our prisons. That is an enormous number. Some of the prisoners are untried—the number of such prisoners has grown—and some are short-term prisoners. The estates review is about not just the increase in prisoner numbers—although increasing numbers of prisoners is a problem for us—but improving the poor estate that already exists. Even without an increase in prisoner numbers, we would have to do some rebuilding.

The Convener: Maureen Macmillan's point picks up on the evidence that has been received by the committee. The estates review is based on the presumption that the penal policy that is in operation will continue. As Maureen Macmillan said, Scotland has a very high population of prisoners who are serving short sentences. I know that calculating prisoner numbers is not an exact science, but if the idea is to have fewer people in prison should not the committee consider the prison estates review in tandem with penal policy? We cannot talk about what we need to build prisons for if we do not decide what prisons are for.

Alec Spencer: I will use an analogy—a paradigm—if I may. If you want to put more, or heavier, traffic on a road bridge, and you ask an engineer or an architect to tell you how to do that, they will tell you about thickening the steel structure, putting in more supports, widening the carriageway—

The Convener: Or they will tell you to build another bridge.

Alec Spencer: Hang on. In a sense, that is what the SPS has been asked to do. How will the SPS deal with the greater number of people that the court sentences? You could ask whether all those people should go to prison or you could ask whether something else could be done with them. However, the SPS has not been asked to comment on that.

The Convener: I appreciate that, but should the committee consider that issue?

Alec Spencer: That is for you to decide, madam.

The Convener: I am asking for your opinion. Is it wrong—would it even be possible—for us to talk about rebuilding prisons and building new prisons without considering penal policy?

Alec Spencer: My personal view is that—of course—the committee wants to take as wide a perspective as possible.

The Convener: I think that that was a yes.

I must stop there. Thank you very much.

Our next witnesses are Councillor Stuart Pratt and Bill McGee from the HMP Peterhead visiting committee. I apologise for the delay in calling you. I understand that Councillor Pratt may have an interest to declare.

Councillor Stuart Pratt (HMP Peterhead Visiting Committee): I am employed part-time by Stewart Stevenson.

The Convener: Thank you. We now have that on the record, although Stewart Stevenson is not in the room at present.

We will move straight to questions. I thank you for your submission, in which you state that

“The current buildings are in good condition”.

You also state that the site at Peterhead is spacious enough for a rebuild and that

“the prison officers at Peterhead support a 500 new-build Unit within the site of the existing prison.”

How did you come to those conclusions?

Councillor Pratt: The committee visits the prison on a regular basis. We consider the buildings to be in a very good state of repair. There are huge tracts of land at the back of the existing buildings on which a new prison could be built. The prison officers have said in conversation with us that they are convinced that a 500-unit prison could be run up on the present site.

The Convener: How often do you visit Peterhead prison?

Councillor Pratt: I have been in the prison a lot recently.

The Convener: I bet you have.

Councillor Pratt: It is normal for a member of the committee to visit the prison once—sometimes twice—a month.

The Convener: How long have you both been on the prison visiting committee?

Councillor Pratt: I have been on the committee since the reorganisation of local government, which will be seven years.

Bill McGee (HMP Peterhead Visiting Committee): Aberdeen City Council appointed me as a lay member of the committee in 1998.

The Convener: One of the key factors in the decision that is being taken on Peterhead is the end to slopping out. In your submission, you mentioned that very few of the prisoners felt that the issue of toilet accommodation was a problem.

We have heard evidence that prisoners at Peterhead are not going to say that slopping out is a problem, as they are more concerned about feeling safe and secure, which they do at Peterhead. We know that slopping out is a problem. Clive Fairweather believes that the portapotties, which are currently in use, are unsatisfactory. What is your view of that and of the alternatives that we have discussed, including the option of staff letting prisoners out at night to use toilet facilities? We have heard evidence that that option is preferable to having toilets installed in cells, as that is not a good idea.

Bill McGee: As far as I am concerned, slopping out is highly unsatisfactory and the quicker we can move to a more civilised position the better. However, prisoners have not raised that topic on any of the visits that I have undertaken. It is not a burning issue.

The Convener: What is your response to the proposal that prisoners could be let out at night and escorted to use the lavatory? Would that be a solution?

Councillor Pratt: I have not had contact with the prisoners on that subject. I have received no complaints about slopping out, as it is called. Chemical toilets are used and the prisoners do not view the activity of cleaning them out as slopping out.

The Convener: You say that you have received no complaints on the subject. How do prisoners make complaints to you?

Councillor Pratt: There is a book, which is called the red book, in which prisoners who wish to see a member of the visiting committee enter their complaint and request to meet us. During the time that we walk about the prison, prisoners are at liberty to come and speak to us at any time.

The Convener: Will you give the committee an idea of how many prisoners ask to see you. Is the number in single or double figures?

Councillor Pratt: Single figures.

Donald Gorrie: The arrangements for those who have to travel to the prison from a distance to visit prisoners seem to be controversial. Is that a big issue? Accepting that for the prisoners in question the feeling of security is overwhelmingly important, do complaints from those prisoners give

you any feeling about how big an issue visiting is? Do you think that they are not complaining about visiting problems simply because they do not want to endanger their security, or is visiting genuinely not that great an issue?

Councillor Pratt: I honestly feel that visiting is not that great an issue. When families visit, they usually come up for the weekend and stay in bed and breakfasts in Peterhead. An officer's wife runs a bed-and-breakfast establishment in which many families stay. They come up and, because they have longer visits, they get more quality time. Visiting is not a problem. I have received one complaint about visits, which was from someone who was adamant that he was innocent. He had saved up his visits and had gone to a prison in the central belt to receive them, but because of transport arrangements, his visit was cut short by a day. That was his complaint—not the fact that he could not get visits in Peterhead.

Donald Gorrie: It certainly seems that the prison is accepted locally. That was not always the case under the previous regime. Will you trace for us the improvement in local acceptability? How do you account for such acceptance, when in many places there tends to be a bit of nimbyism about prisons?

Councillor Pratt: When Peterhead first became a dedicated sex offender prison, that was not met with universal approval; many people were opposed to the idea. Acceptance has grown. Although the prison had always been accepted, the change in status to a sex offender unit caused some problems. No one in Peterhead complains about it now. In fact, around 800 people went on a march that we held on Saturday.

Donald Gorrie: Leaving aside the merits of the way in which the prison is run, is the relative remoteness of Peterhead a factor? Is it the case that Peterhead's remoteness means that there is not a great deal of alternative employment and that the employment that the prison provides is therefore seen as very important?

Councillor Pratt: The prison is obviously important to the local economy.

The Convener: Perhaps Lord James Douglas-Hamilton would like to come in on that section.

Lord James Douglas-Hamilton: I will come in at the end, after Maureen Macmillan.

Maureen Macmillan: You say in your evidence that prisoners feel safe because the facility is dedicated to sex offenders. What exactly have the prisoners said to you?

Bill McGee: I remember a conversation in which a prisoner told me that his family had been roundly abused by people who had come along at visiting time. That must have been while he was

imprisoned for an earlier offence. Although people in the central belt are greatly discommoded by having to travel north, the prisoners to whom I have talked—I am not referring to the ones who are excluded from family contact—have tended to regard the location of the prison as a good thing, because anyone who comes to see them can be assured of a safe passage.

Councillor Pratt: You mentioned that the prisoners feel safe. Another aspect of that is that because Peterhead is a dedicated sex offender unit, the prisoners working in the kitchens and elsewhere have committed similar offences. In mixed prisons, sometimes the food is not all that it should be. Some of the stories that we have been told are quite hair-raising.

The Convener: You are alluding to the fact that food has been contaminated.

Councillor Pratt: Yes.

Maureen Macmillan: If Peterhead were to close and the sex offenders were to go to a dedicated prison somewhere in the central belt, why might Peterhead still represent a safer environment than a prison somewhere in the central belt, even if that prison was able to offer the same internal safety as Peterhead?

Councillor Pratt: Do you mean a unit within—

Maureen Macmillan: No, I mean a dedicated prison.

16:45

Councillor Pratt: I am sure that the prison's safety aspects could well be replicated elsewhere. However, I do not know whether everything else could be.

Maureen Macmillan: What about community reaction?

Councillor Pratt: I am quite sure that, initially, the particular community will be up in arms and that there will be a lot of bad feeling. However, with good public relations, that problem could be overcome. Replicating the actual programme is a slightly different matter. The situation is a bit similar to what happens in our schools. Although all schools have dedicated teachers and curriculums, they do not all reach the same standard. The standard set at Peterhead is recognised as one of the highest in the world. I do not think that that can be replicated, at least not overnight.

Lord James Douglas-Hamilton: Will you summarise the main points of your position in favour of Peterhead prison being on or adjacent to its present site?

Councillor Pratt: The facility is tried and tested

and works very well. There have been no complaints about that. However, the Prison Service is of the view that Peterhead is out of kilter with what it wants. Certainly neither the prisoners nor their relatives have expressed such a view. I do not see why we should tamper with something that is definitely working.

Bill McGee: I am in a slightly different position from Councillor Pratt, as I am not involved in the Peterhead community: I am a lay member of the committee who comes from Aberdeen. As a result, the social situation does not come into it. However, what has always impressed me about Peterhead is that, even in such a monocultural environment, there is no sign of the canteen culture that we sometimes get in uniformed organisations, in which the people at the coalface feel that they know differently from the people at the top. All the staff support the idea of trying to treat prisoners who go to Peterhead and to help them mend their ways. That is very important. I am not suggesting that that could not be done elsewhere, but we should not feel that it would be a simple operation to transform the whole culture of a large prison in such a short time.

It has taken Peterhead some years to reach this position. There has obviously been a dramatic shift. A number of warders have told me that when they dealt with the most violent and dangerous criminals, they were sometimes almost too frightened to come into work. They say that their job is now more interesting and caring and that they are committed to the work, whereas before they were almost in a state of siege. I do not think that we can easily replicate the culture in Peterhead. I find it difficult to say this, because all the points we are making have already been made more forcibly by people who have greater expertise. However, as a prison visitor from Aberdeen, I feel strongly that we would be taking a grave risk if we believed that closing Peterhead would enable us to rebuild somewhere else.

Maureen Macmillan: We have already mentioned the lack of night sanitation facilities at Peterhead and you will have heard our earlier evidence about the problems of modernising the prison as it stands. Other options for the prison include building a new houseblock or the total replacement of the prison on the same site. Which is your preferred option for Peterhead?

Councillor Pratt: Personally, I think that there should be a new block housing about 500 prisoners.

Maureen Macmillan: You said that earlier. Do you both hold that view?

Bill McGee: Yes. However, as the committee will be well aware, the issue always comes back to cost. In the presentation that the headquarters—

so to speak—gave the prison visiting committee, the cost element was clearly the most important one, and rightly so. As an ordinary member of the public, I appreciate that it would be splendid to release £700 million or £800 million to deal with our immense problems in housing, health and so on in Scotland. However, that consideration must be weighed against the dangers of destroying an operation that is working very effectively.

Maureen Macmillan: I will ask about staff morale. You say in your evidence that if Peterhead were to close,

“a significant number of staff would resign from the prison service rather than move away”.

What exactly have the staff said to you?

Councillor Pratt: A significant number would resign because many of their wives have good jobs and their families are ensconced within the community. They feel that to uproot and to move away would not be worth it.

Maureen Macmillan: Is the point not so much that the prison officers do not want to move as that it would disrupt their families?

Councillor Pratt: In most cases it is a family decision that they would prefer not to move.

The Convener: That is understandable.

Maureen Macmillan: Yes.

Your submission also states that

“the destruction of the team atmosphere at Peterhead can only be counterproductive.”

You have already more or less described the team atmosphere. Will you say what would be lost if the team atmosphere is destroyed?

Councillor Pratt: The whole culture and the team spirit that has been built. Any team that is broken up takes a long time to gel and to get back to the position that it had reached, especially if the team is at the top of its profession, as those people are. It will take time to rebuild a team. The team spirit will be destroyed by any movement.

Michael Matheson: You may have covered some of the points that I wanted to raise. You have touched upon the holistic culture that exists in Peterhead and the treatment programmes that are provided. Bill McGee referred to the fact that prison officers build up considerable experience of the treatment programmes over the years.

You will have noted that the estates review states that if the SPS chooses to close Peterhead, it would take a minimum of three years to do so and that that would provide sufficient time for the regime to be replicated elsewhere. Given your experience at Peterhead and how you have seen the whole programme being built up, do you think that that is a realistic time scale?

Councillor Pratt: That is extremely optimistic. It will take much longer than three years to replicate a team of the standard that is at Peterhead.

Bill McGee: The STOP 2000 programme germinated in about 1993. When people look at the name, STOP 2000, they think that it is a recent programme. However, as was made clear in the presentation earlier, it has taken a long time to get the programme to the point that it is at now. I know from my experience in education, which is where I came from, that such changes take some time. Three years is a very optimistic time scale.

Michael Matheson: You will have heard the evidence from the previous witness, Alec Spencer, that no risk assessments appear to have taken place of what the implications may be if Peterhead closes. Given your contact with the prison, is this a risk too far?

Councillor Pratt: Yes. Before you make any major changes, you must know the risks involved and how they can be managed. I was appalled to hear that no risk assessment had been done. I think that major risks are attached to the proposed move.

Paul Martin: You will know that the STOP programme is being delivered in Barlinnie prison. What are your views on the effectiveness of that programme in a prison other than Peterhead?

Councillor Pratt: I am sorry. I have no knowledge of the programme at Barlinnie. We have had no presentations on it and I have not been to Barlinnie, so I cannot answer that question.

Paul Martin: That is okay. I wanted to clarify that point.

The Convener: Unless any members want to ask other questions, I will now truncate this evidence-taking session. I thank the witnesses for their evidence and for waiting to give it. I hope that they found some of the other evidence interesting. It has been a long afternoon.

We will now move on to the last witness, Dr Jim McManus, who is chair of the Parole Board for Scotland. Thank you for your forbearance, Dr McManus. Let us press on. Please give us some information about your background and areas of expertise.

Dr Jim McManus (Parole Board for Scotland): I am senior lecturer in law at the University of Dundee and I have been a lawyer all my working life. I have done a variety of prison-related work. I am currently chairman of the Parole Board for Scotland; previously, I was the prisons complaints commissioner for Scotland. I am also an expert adviser to the Council of Europe Committee for the Prevention of Torture, which has visited Peterhead, among other prisons—the committee

tries to enforce uniform standards throughout all Council of Europe member countries.

The Convener: Thank you for your written evidence. How long have you been chairman of the Parole Board?

Dr McManus: Since January 2000.

The Convener: One of the problems that we have—setting aside the other issues about whether we should imprison people—is the projection of prison numbers. Can you give us any guidance on that?

Dr McManus: I will repeat what you have already heard. The projections in the estates review are just that—projections. The review extrapolates statistics from the past 10 years. There is no way of knowing whether those statistics will reproduce themselves in reality. As was indicated earlier, there is plenty of room for policy to interfere with such extrapolations. Indeed, in my view and that of many people in Scotland, it is time that our policy interfered with the inexorable rise in our prison population. In particular, we must address the number of short-term prisoners. We know—there is evidence galore—that we cannot do much with people that is positive during short terms in prison.

The Convener: Are you saying that we cannot consider the prison estates review and the rebuild of prisons without examining penal policy?

Dr McManus: That is correct. However, in the meantime, something must be done about the state of the three prisons that I identify in my paper.

The Convener: We accept that, but that could be dealt with differently. We are examining the direction of prisons in the next 10 to 30 years and it is inappropriate to do that without examining penal policy.

Dr McManus: Absolutely.

Donald Gorrie: I enjoyed the second paragraph of your submission, which covers those issues. You say:

“Continuing to use prison for very short sentences is a manifest waste of an expensive resource”.

We presumably need more resources in the community so that we can avoid sending people to jail and keep them in the community while punishing them to some extent and making them change their ways so that they do not reoffend. Are you happy or unhappy with current practice? Are there good projects that should be—I am sorry to use this cliché—rolled out? What do you think about the activities outwith prison?

Dr McManus: You are right to suggest that resources outwith prison are grossly underfunded

in comparison with what we spend on prisons. The average cost of a prison place is £26,000 per year. If that were allocated to resources in the community, we know that we could produce better results and better non-reconviction rates.

We have had a history in Scotland of experimenting with programmes and not rolling them out, even when they have proven successful. For example, intensive probation projects in the west of Scotland have had great success with persistent young offenders, yet they have not been rolled out across the country. Similarly, some of the reparation schemes have been a tremendous success, yet we are still waiting for them to be rolled out. When we learn a good lesson, we seem unable to take it forward and implement it because the resources are allocated to maintain a prison system that admits that it cannot do much with short-term prisoners. That seems highly irrational.

Donald Gorrie: Can you give us a list of those projects or tell us from whom we could get such a list? We hear anecdotal evidence and members will have visited various projects, but I have not seen a proper list of all those good activities.

Dr McManus: The best group to provide such a list would be SACRO. I gather that the committee has already taken evidence from SACRO.

The Convener: I should also say to Donald Gorrie that the committee's next task, in September, will be to look into alternatives to custody. We have already commissioned research on sentencing. That list of projects would be useful.

17:00

Donald Gorrie: All the other witnesses have talked about Peterhead, so perhaps you could do so, too, Dr McManus. I will ask one omnibus Peterhead question, in response to which you could briefly cover the site issues. Should the prison be moved elsewhere or should another prison be built in the same place?

Dr McManus: Peterhead is in the wrong place. That sums it up. For prisoners of any kind, 99.9 per cent will come back into the community. To take them so far away from the community for their penal sentence compounds the problem of exclusion, which is what prisons are about. I am always quite amused when I hear Prison Service people talk about their part in social inclusion. Prisons are about social exclusion par excellence. When the prison is placed 150 miles away from where the prisoners come from, the exclusion is manifest.

Peterhead has a smashing staff, who have responded extremely well to the changes that have been made in the use of the prison. They

have built up a programme on which the jury must be said to be out. There is no evidence to show that STOP makes any difference to reoffending rates. We are told that six or perhaps 13 ex-prisoners have been reconvicted, but there is no control group. What are we comparing that figure with? There is no evidence yet in Scotland that STOP is working.

We know from the research in England and Wales that the reconviction rate of sex offenders is incredibly low. Notice that that is the reconviction rate, not the reoffending rate, which no one can measure. We have focused on the reconviction rate. Roger Hood's recent research, which was published in last month's *The British Journal of Criminology*, shows a zero reconviction rate among intrafamilial sex offenders who were followed up over six years. There were zero reconvictions. That is absolutely amazing. If STOP is producing six reconvictions among the same group, how does that compare? The answer is that we do not know because we do not have enough evidence on which to make assertions about the success of the programme.

To come back to the main point, Peterhead is unfortunately in the wrong place. Throughcare, which the committee has discussed this afternoon, means that the outside social worker is involved from day one of the sentence. All the knowledge and experience that the outside worker has about the person and the person's family and background in the community should go with that person throughout the sentence. That makes it clear that, even in prison, the person is still a member of the community and will return to the community. Throughcare means literally day-by-day throughcare throughout the sentence.

Piloting someone down to the central belt for the final six weeks of a sentence is no use to the Parole Board. For example, parole dossiers are written eight months before the potential liberation date. We would need the person to be down at least four months before that eight months so that the board could get a reasonable assessment of what might be available for the person in the community. Six weeks is no use. We are talking about a much longer period. What we really need is for that person to be closer to their home throughout the sentence, so that throughcare can be given real meaning throughout the whole sentence.

The Convener: I have lost track of whose question that was.

Donald Gorrie: That was my question, but I am happy for people to follow on.

The Convener: Paul Martin has a question.

Paul Martin: Dr McManus, you mentioned that no effective evaluation has been carried out of the

success of the STOP programme. What procedures should be followed to ensure that we get an effective evaluation? What time frame are we talking about before we can effectively evaluate the programme? What process should be followed in respect of the independence of that evaluation?

Dr McManus: Evaluating any programme, especially one that deals with sex offenders, is a long-term project. The literature recommends a minimum of a six-year follow-up on any sex offender. That is mainly because of the difficulty of securing convictions for sex offences. We need a long period.

We also clearly need a control group. We cannot measure the effect of one intervention unless we know the effect of no intervention. For example, many of our current sex offenders are serving sentences for offences that were committed a long time ago. Some of them have been clear of offending for the past 15 years, but the offence has emerged only at this stage because only now has the victim been brave enough to bring the offence to public notice. Therefore, there may have been a long period of non-offending before the prison sentence starts. To take that into account, we would have to consider, for example, waiting until the grandchildren are as old as the original children were when they were victims of the offence. To provide scientifically valid figures for reconviction comparisons would take a long time.

Paul Martin: Can you be specific about that? A long time, with respect, can mean anything. What would your plan be? You have made it clear that you do not believe that there is effective evaluation to confirm whether the STOP programme is a success. That is a fair comment. However, what is your proposal for dealing with that?

Dr McManus: Let us have a six-year follow-up of 100 people who have been through the programme and compare them with 100 people who have not been through the programme.

Paul Martin: The programme would last approximately six years.

Dr McManus: That is what the literature recommends for sex offenders.

Paul Martin: Has that been processed? To your knowledge, has any proposal been brought forward in that respect?

Dr McManus: Not as far as I know. Even the English research was done on the back of research on parole decisions in England.

Paul Martin: To be fair to the STOP programme—sorry to go on, convener.

The Convener: That is all right, Paul.

Paul Martin: To be fair, it is not the STOP programme's fault that an independent evaluation has not been carried out. The case is more that that no one has said, "Let us look at a way of evaluating the programme."

Dr McManus: I am amazed that we try out any programme these days without building in evaluation. Evaluation is an essential part of anything that we do in any area of activity, not just in government.

The Convener: So that means that the SPS should have put something in place.

Dr McManus: I think so.

Lord James Douglas-Hamilton: Dr McManus, your submission states:

"The gradual reintroduction of prisoners into the community towards the end of their sentences is much easier if the prison is situated close to different large centres of population."

Are you arguing against a monoculture?

Dr McManus: There are many points against a monoculture, which should be rehearsed. One point in particular is that, if one puts a person into a monocultural sex offender prison, one will never get them into any other kind of prison. There was a discussion earlier in the meeting about moving sex offenders, before release, to open prisons. That is incredibly difficult to do.

Lord James Douglas-Hamilton: If you are arguing against a monoculture, I presume that your arguments would apply equally if the sex offenders unit was moved to Glenochil and there was a monoculture there.

Dr McManus: Yes. Glenochil's location is such that a wider range of towns and cities round about could absorb the smaller numbers of sex offenders from Glenochil.

Lord James Douglas-Hamilton: There would still be many offenders whose homes were nowhere near Glenochil. Therefore, your criticisms would also apply to Glenochil.

Dr McManus: Minus 150 or so miles.

Lord James Douglas-Hamilton: If it is decided to keep the special unit at Peterhead, how could throughcare be best delivered? When I went to Peterhead, an extremely high-powered social worker briefed me. I assume that social workers at Peterhead are effectively delivering throughcare.

Dr McManus: No. Throughcare is delivered by the home-based social worker. The institutional social worker is tied up with a different set of imperatives. Indeed, my experience is that Peterhead has had a rapid turnover of social work staff over the past couple of years. Of course, that may be because the establishment is thought to

be under threat, so people will perhaps not commit themselves to long-term jobs there.

Lord James Douglas-Hamilton: Are you saying that although some social workers are based in or around Peterhead, many social workers involved in throughcare would have to travel if the special unit remained at Peterhead?

Dr McManus: The vast majority of them would have to travel.

Lord James Douglas-Hamilton: I see.

Michael Matheson: You stated in your written submission and in your evidence today that the jury must still be out on the STOP programme. How much faith should we have in the STOP programme?

Dr McManus: I would need evidence first. Faith and evidence are, of course, different things. When knowledge can be made available, we should not rely on faith.

Michael Matheson: Given that our knowledge about the STOP programme is limited because there has been no independent evaluation of it, should we be working on the basis that the programme is meaningless?

Dr McManus: I would not say that, no.

Michael Matheson: I am unclear from your evidence exactly what you are saying. You have raised serious doubts about the STOP programme because there has been no proper evaluation of it. Where does that leave us in Scotland in terms of treatment programmes for sex offenders? Are you saying that the scheme is not good, that it is good or that we just do not know? If we do not know, what should we do?

Dr McManus: We do not know that it is good. We do know, from evidence from Canada and from England, that some kind of sex offender programme can have a marginal, but significant, effect. If we can stop one person reoffending, that is important. However, an average of 30 prisoners undertake the programme each year in Peterhead, which means that it will take 10 years for all 300 to get through it. There is therefore a small group of prisoners on a programme that might make a small but significant difference to the likelihood of their not reoffending. That is not a good basis on which to build an establishment that will sit there for at least another 25 years and which will demand much more resources in terms of travelling by social workers and visitors. That is not a good basis on which to make strategic decisions.

Michael Matheson: I am still not clear about what you suggest should be in that prison's place. You say that we cannot decide whether to have a prison in Peterhead because there is a lack of

information and knowledge about the effectiveness of STOP 2000. However, you go on to say that we should have prisons that are closer to people's homes so that prisoners' families can visit. Are you suggesting that we should continue with the STOP 2000 programme and at the same time try to have an establishment somewhere in the central belt?

Dr McManus: Yes. There is enough evidence to justify continuing with the programme, although that evidence comes from Canada and England.

Michael Matheson: If evidence of the effectiveness of the programme suggests that we should continue with it, what evidence is there to suggest that it could be delivered better from a more central location?

Dr McManus: There is no evidence to suggest that where the programme is delivered makes a blind bit of difference.

Michael Matheson: Could the institution remain in Peterhead and the effectiveness of the programme be just as good?

Dr McManus: I began my paper by saying that there is no possible case for maintaining the current buildings in Peterhead, Barlinnie and Low Moss. If we start from that premise, we see that we need a new prison somewhere. If we have the option of putting it somewhere convenient, let us take that sensible option.

Michael Matheson: Convenient for what?

Dr McManus: Convenient for the purposes of the prison, which is to do something with prisoners to try to reduce the risk of their reoffending and to hold them, at reasonable cost, for the duration of their sentences.

Michael Matheson: Do you believe that institutions for sex offenders should be monocultural, or should such prisoners be housed in a prison within a prison?

Dr McManus: There are arguments in favour of both sides. At the moment, the case for monoculture is probably being made more strongly, partly because that is what we have done in this country. It is interesting to examine what has been done in other European countries that do not take a monocultural approach. If we look back at the situation 25 years ago in Scottish prisons, we see that people who had committed sex offences against young children or old women needed protection, but that sex offenders against adult women did not need protection. However, the culture has grown more strongly to identify those prisoners as protection cases. That is why the SPS has moved towards monocultural establishments.

There are many downsides. There are

downsides for reintegration, for example. There are also downsides for the staff; dealing constantly with sex offenders puts tremendous pressure on staff, so they require special support. The only other specialist regime that I have seen was 12 years ago in Canada, where there was a sex offenders prison in Kingston. However, that existed in the midst of five other penal establishments, so staff were circulated around the establishments and were not left year after year to work only with sex offenders.

The Convener: I would like to pick up on a couple of points from your paper. You say that keeping Peterhead is out of the question because of the conditions that prevail there. Your paper says that

"Toilet Patrols are not an answer. Such patrols would be demeaning for staff, incredibly expensive in resources (there needs to be three persons present safely to open a cell during a lock-up period)".

I understand that the POAS does not agree with that. Sometimes three prison officers are needed for a certain kind of inmate, but other kinds of inmates might not need that number. All sex offenders are not the same. As you say, some are elderly people who committed their offences a long time ago and who might now be very placid, if I may put it like that. Such prisoners would not need that kind of staffing.

A letter from the POAS refers to the night sanitation, or toilet patrols, that you mentioned. It states:

"the Trade Union recognised that due to the compliant nature of the prisoner population at Peterhead this would be a viable option and furthermore gave a commitment to make this proposal a reality and to do so within existing resources."

The governor said that there would have to be a risk-management assessment of that. Do you know about that? From where did you get the fact that three prison officers need to be present?

17:15

Dr McManus: The rules are that we cannot open a cell during patrol periods when the prison is closed unless three prison officers are present. We can open a cell in an emergency with only two prison officers present. How do we predict who will need the toilet—the nice old man or the more dangerous young man?

The Convener: It is a matter for the governor to arrange where he locates prisoners. More compliant prisoners might be in one area, and prisoners who require to be looked after by a substantial number of staff might be in another. It is my understanding that prisons do not need the same level of staffing for night sanitation. You say that toilet patrols would break rules. Perhaps we need to inquire further.

Dr McManus: Their use would break commonsense rules of safety.

The Convener: That is different from breaking statutory rules.

Dr McManus: There are no statutory rules.

The Convener: If a risk assessment—an independent assessment that was agreed by the governor and staff, because after all they all need to agree to it—found that only one or two prison officers were needed for certain types of prisoner, surely that could stand.

Dr McManus: I cannot envisage a situation in which it would be safe to have one person on duty opening a cell during a patrol period. It is not safe for one person to have the key to all the cells and one prisoner to be out. If we are talking about a potentially difficult prisoner, even having two officers present is not safe.

The Convener: Is it your position that you would always require three officers to let somebody out?

Dr McManus: Yes.

The Convener: There is conflicting evidence from the POAS on whether that is the case. The impression that I got from the governor of Peterhead was that having three officers present would not always be necessary. There would have to be a risk assessment of different prisoners.

Dr McManus: Would you locate prisoners according to their toilet needs?

The Convener: It is not for me to say, but I imagine that they would be moved according to the level of risk that they posed, rather than according to whether they needed the toilet. The offenders that are low risk, or very placid, might be put together. I posed the question as a suggestion that is in contrast to what you said. In paragraph 3 of your submission, on Peterhead, you say:

“The existing plant is old, primitive in design and very difficult to adapt to introduce toilets and electric power. Adaptations would, of course, be possible, but at great cost and probably lesser material benefit than a new build.”

How much would they cost?

Dr McManus: I am not a cost specialist.

The Convener: That is what I mean. People keep saying that adaptations could be made, but at great cost. What figures are we talking about, and to what have they been compared? I put the same question to Mr Spencer and to the governor of Peterhead, but no figures are coming out.

Dr McManus: I have seen what has been done at Perth prison to adapt B and D halls, which is a good job, but it has achieved much less than spending the same money on building a new block would perhaps have achieved.

The Convener: Should the committee consider having a cost assessment done?

Dr McManus: Absolutely. That would be sensible.

The Convener: Nobody seems to have done one.

Dr McManus: I am not a building specialist; I do not claim any such expertise. However, by simply looking at the walls in Peterhead and imagining builders putting in toilets and electric power—

The Convener: I understand, but you said “at great cost” and nobody can provide a figure; everybody keeps saying “at great cost”. It would be useful for the committee to have figures.

Dr McManus: I agree.

The Convener: Fine.

Stewart Stevenson: I have spoken to the contractor—a Mr Les Taylor—who drilled the last holes through the walls of Peterhead. He has no particular issues about doing it again. Of course he would make some money out of it and good luck to him, but that is not really the point that I wanted to raise.

The Convener: Good, because I thought for a moment that you were giving evidence.

Stewart Stevenson: I would not dream of giving evidence outside my vast area of expertise.

Your statement points to the fact that the STOP 2000 programme provides only 30 places a year for prisoners at Peterhead.

Dr McManus: My recollection is that the evidence that the chief inspector's report on Kilmarnock prison showed that 30 prisoners completed the programme last year.

Stewart Stevenson: Prisoners in Peterhead?

Dr McManus: Yes, the Kilmarnock report gives a very useful table.

Stewart Stevenson: How many prisoners are discharged from Peterhead in a year?

Dr McManus: I do not know.

Stewart Stevenson: It is not many more than 30. Therefore, the important thing is the proportion of the prisoners who are discharged each year who have gone through the STOP 2000 programme. I put it to you that it is a substantial proportion.

I have been told that, of the 900 prisoners who have been discharged since 1993, 260 have gone through the programme. This year, I understand that the prison is running five courses, which will involve 50 prisoners—

Dr McManus: I cannot contradict that, but my

understanding is that there are currently 30 participants in the programme.

Stewart Stevenson: There are 10 prisoners on each course.

Dr McManus: Yes, but the one programme that is running—

Stewart Stevenson: I wanted simply to put it to you that your figure of 30 might not be well placed, given that they are long-term prisoners.

I wanted to put a more general point to you. It is inconvenient for me to commute from north of Peterhead to the Parliament every week—it takes me three and a half hours. What sort of public services do you think should be located outside the central belt? Alternatively, should the Government of Scotland serve only the central belt?

Dr McManus: My expertise is prisons; I would always locate a prison near the population that will use that prison.

Stewart Stevenson: Should that reasoning apply to the siting of universities as well?

Dr McManus: My expertise is prisons.

Stewart Stevenson: Should that reasoning apply to all our public services?

The Convener: With respect, I want to stop that line of questioning at that point. I am conscious of the time and—believe it or not—we still have a little bit more to do today. I want to move the discussion on to the debate about the public sector versus the private sector. This will be the last line of questioning and I will close the meeting at half past five because I am losing the will; I sense that others are as well.

Maureen Macmillan: Dr McManus, in your submission you refer to the fact that private providers build more quickly than does the public sector and that constantly changing plans and programmes for building are not a feature of private sector provision, which implies that they are a feature of public sector provision. Why has that happened and can it be remedied?

Dr McManus: I can speak from recent experience in Scotland of building new prisons. Kilmarnock prison went up in a couple of years, but I remember that every time I visited the SPS College when I was first involved in prisons away back in 1972, the design drawing for Shotts prison had had another bit added to it or subtracted from it. It took a long time to build Shotts prison.

Clearly, there is no reason why we cannot—as people must do in relation to private build—make absolute decisions in relation to public build, and commission such build on the same timetable. However, I am not sure about the ability to deliver

to the same timetable, because the SPS does not have a specialist building branch that can control the contract that would be involved in the building of a new prison.

Maureen Macmillan: We have been told that you can buy prisons off the shelf. That means that there should not be vast differences in delivery time.

Dr McManus: The prisons come from America; all we need is the time it takes for the container ship to come across.

Maureen Macmillan: In written evidence to the committee, the POAS said that it is hard to make a comparison between the public sector and the private sector because the key performance indicators for the public sector are far higher than are the contractual obligations on the private sector. However, you talk about the greater accountability of private sector prisons. Why do you think that private prisons are more accountable?

Dr McManus: That is because each establishment has a contract compliance monitor who is there every day, who checks detailed monthly figures and who has the power to impose penalties for failure to deliver according to the contract. That is an immediate and accountable process.

Maureen Macmillan: Has the fact that there are such contracts led to a lack of flexibility when prison needs have changed? Has it been difficult to adapt contracts when a prison has, for example, moved away from a work-based regime towards a programmes-based regime?

Dr McManus: The chief inspector of prisons certainly made that comment. The contract that was initially drawn up for Kilmarnock has been seen to be much more tightly drawn than English or foreign equivalents, in relation to which there has been room for, and it has been the practice to have, constant renegotiation.

The SPS seems to have moved from viewing work as the cure for criminality to viewing programmes as the cure. The early evidence was that if a prisoner comes out and gets a job, he is much less likely to reoffend than if he does not get a job. The SPS is now convinced that programmes will make that difference. The SPS has begun the process of change, but it has not begun the process of renegotiating the Kilmarnock contract.

Maureen Macmillan: Obviously, a balance between programmes and work is required. Kilmarnock is delivering programmes, but that is being done via outside organisations.

Dr McManus: No, it is being done by the prison's internal psychology and social work staff.

Maureen Macmillan: Yes, but it is not being done by prison officers.

Dr McManus: Correct.

Maureen Macmillan: Do you have a view on which way is preferable, because there are two different philosophies on how to deliver programmes?

Dr McManus: My preference is for programmes to be delivered by professional programme deliverers. As much use as possible should be made of prison officers, but such use must always be limited by the fact that they are not qualified counsellors, social workers or psychologists. If they work under the supervision of such people, they can produce good interventions, but for the protection of prisoners and prison staff, and for the ultimate good of society, programmes must be under the control of professional deliverers. One of the things that upset me greatly about STOP was that, at one stage, it was being delivered in a prison that did not have a psychologist on the staff. I thought that that placed staff at an incredible risk.

The Convener: You said that Kilmarnock prison is accountable, but it is accountable only to the SPS. Do you agree that it is difficult for it to be accountable to the Parliament, because we are dealing with a commercial contract?

Dr McManus: It is accountable to Scottish ministers through the SPS. I understand that, legally, the SPS is the agent of Scottish ministers. It disappointed me greatly that it took so long for the contract to be made public, because nobody knew what it required.

The Convener: So you agree that there is a problem with accountability to the Parliament, and ultimately to the Scottish people, if prisons are in the private sector.

Dr McManus: Yes.

Michael Matheson: You mentioned Shotts prison, which is a bad example of a publicly built prison to use, because of the structural problems that resulted from the land on which it was built. It is unfair to use the time frame for the construction of Shotts as an example of how things can be done in the public sector. The new blocks at Saughton were built by the public sector and were completed in 33 weeks. We have to be careful when we make comparisons, because Shotts is a poor example to use.

You commented on specialist building services in the SPS. Most modern organisations contract in services—they do not keep them in-house—so there is no reason why the SPS could not contract in such a service.

Dr McManus: Yes.

Michael Matheson: You state in your evidence, in relation to private prisons:

“Though I am no expert on costs, it is relatively easy to see where cost savings are made by private providers.”

Where are they made?

Dr McManus: Staffing levels.

Michael Matheson: Do you believe that staffing is adequate at Kilmarnock?

Dr McManus: The design of Kilmarnock prison requires fewer staff for routine supervision. The staff attendance pattern ensures that the appropriate staff are present only when they are needed. There is much greater flexibility in staff attendance than there has been traditionally in the SPS. There is also a low rate of staff absenteeism through sickness. Those factors—combined, of course, with lower salaries—mean that the staffing costs, which are a huge proportion of the cost of running a prison, are significantly lower.

Michael Matheson: Is it good to have a situation in which 60 per cent of prison staff, who are expected to take professional pride in their work, are on benefits?

17:30

Dr McManus: When I first started as a university lecturer and had a child, I was on benefits. That did not detract from my commitment to the university or to the students. Actually, that is not true—I missed qualifying for benefit by 10 shillings a week.

The Convener: That dates you.

Michael Matheson: I am afraid that shillings were before my time.

Dr McManus mentioned that, in the SPS, three prison officers are supposed to be around when a prisoner is let out of their cell at night. Is that the standard practice?

Dr McManus: That would be my view if I were a member of staff or a manager in a prison.

Michael Matheson: Are you aware that in Kilmarnock prison, which has 64 prisoners in a hall, only two officers are on duty at any given time?

Dr McManus: Yes, but the halls are subject to observation at all stages from the bubble outside the hall.

Michael Matheson: Yes, but modern halls in prisons such as Saughton have a staffing ratio that is in line with what you said is good practice.

Dr McManus: I was talking about opening a cell during a patrol period.

Michael Matheson: Saughton has a new wing

that was built in the past couple of years and which houses the remand unit. That wing is operated with the staffing levels that you mentioned, but it has good sight lines and it has been built to the same standards as Kilmarnock. You accept that having three officers is good practice. That is why you suggested that Peterhead had a problem.

Dr McManus: Let me be clear about what I suggested is good practice. During a patrol period, when the prison is locked up, if one cell must be opened to let out a prisoner—who has determined when the cell is to be opened by deciding when he wants to go to the toilet or whatever he wants to do—for the sake of safety, three staff should be available.

Michael Matheson: That happens in the new remand unit in Saughton, but it does not happen in Kilmarnock, because the staffing levels have been cut back.

Dr McManus: By their fruits ye shall know them. Two key performance indicators by which such prisons are measured are those for assaults and escapes.

Michael Matheson: The figures for prisoner-on-prisoner assaults and for assaults on staff are considerably higher for Kilmarnock.

Dr McManus: They were, but they are not now. That is going by the report of the chief inspector of prisons.

Michael Matheson: You said that work is important and that work is one value of Kilmarnock, which has a work-based contract. Do you have evidence to show that the fact that more work is provided in Kilmarnock than in SPS prisons provides people with a better opportunity to get employment?

Dr McManus: No, I have no evidence to support that.

Michael Matheson: So although the work programme is in place at Kilmarnock, the chances of getting a job are no greater.

Dr McManus: The programme at Kilmarnock is an end in itself. The other party to the contract stated that work would work for the prisoners. The outcome was not important; the process was the focus.

Michael Matheson: The outcome should be important.

Dr McManus: Of course, but the evidence over the years is that what we do to people in prison does not make much difference to how they behave when they come out of prison. We have moved away from seeing prison as a place for punishment and have tried to graft on to it all sorts of things, although we know from 150 years'

experience in Scotland that prisons are not very good at them.

The Convener: We also hold that view.

Maureen Macmillan: Do you think that rehabilitation or attempts at rehabilitation are a waste of time?

Dr McManus: No. We should always try it, but we should not build prisons for rehabilitation, which can be carried out much more successfully in the community, both during a sentence and after it.

Stewart Stevenson: I just want to—

The Convener: No, we must stop now. The meeting has been a long haul. You will have to survive without the question. I thank Dr McManus.

Before members pack up their schoolbags—the bell has not rung yet—I have a couple of announcements. We have a whole week of meetings. Members should get out their little diaries. Our adviser will give an informal briefing on the financial aspects of the prison estates review tomorrow at 12:15 in committee room 3. Lunch will be provided, which should tempt members to come. Our formal committee meeting, at which we will take further evidence on the prison estates review, starts tomorrow afternoon at 13:45 in committee room 1. The final meeting of the week will be on Thursday 23 May at 10:15 in committee room 2, when we will take evidence from Mr Cameron, who is the chief executive of the Scottish Prison Service, and the Minister for Justice. That will be the grand finale.

I thank members for their forbearance.

Meeting closed at 17:35.

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