# JUSTICE 1 COMMITTEE

Tuesday 8 October 2002 (*Afternoon*)

Session 1

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# JUSTICE 1 COMMITTEE

† 34<sup>th</sup> 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) Kate Maclean (Dundee West) (Lab) Mrs Margaret Smith (Edinburgh West) (LD) Kay Ullrich (West of Scotland) (SNP)

\*attended

WITNESS

Alec Spencer (Scottish Prison Service)

**C**LERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies Smith

Assistant CLERK Jenny Golds mith

Loc ATION Committee Room 4

# † 33<sup>rd</sup> Meeting 2002, Session 1—joint meeting with Justice 2 Committee.

# **Scottish Parliament**

# **Justice 1 Committee**

Tuesday 8 October 2002

(Afternoon)

[THE CONVENER opened the meeting at 13:35]

# **Items in Private**

**The Convener (Christine Grahame):** I convene the 34<sup>th</sup> meeting this year of the Justice 1 Committee. I remind members and anyone else present to turn off mobile phones and pagers.

I have received apologies from Paul Martin. Maureen Macmillan will be here at around 2.45 pm.

I propose that the committee take items 2, 5, 6, 7 and 8 in private. That seems like a lot of items to take in private, but let me explain why we should do so. Item 2 is consideration of lines of questioning for the witnesses who will provide evidence on the treatment of sex offenders and on rehabilitation within the Scottish Prison Service. We usually discuss lines of questioning in private. Does the committee agree to take that item in private?

## Members indicated agreement.

**The Convener:** Item 5 is consideration of the committee's approach to its inquiry into alternatives to custody. We should take that item in private to allow the committee to discuss our forward work programme and the selection of witnesses for that inquiry. We prefer to discuss the selection of witnesses in private, although the decisions will be made public. Do I have the committee's agreement to take item 5 in private?

## Members indicated agreement.

**The Convener:** Item 6 is consideration of our approach to the Council of the Law Society of Scotland Bill. It is suggested that we deal with that in private to allow us to discuss our forward work programme and the selection of witnesses for that bill. Again, the decisions will be made public. Do I have members' agreement to take that item in private?

## Members indicated agreement.

**The Convener:** Item 7 is consideration of witnesses' expenses for our report on the prison estates review. We usually discuss such items in private because they concern the expenses of individual witnesses, which the committee would

not think appropriate to discuss in public. Do I have the committee's agreement to take item 7 in private?

Members indicated agreement.

**The Convener:** Item 8 is consideration of the draft report for our inquiry into the legal profession. Do I have the committee's agreement to discuss the item in private to allow freedom of discussion?

## Members indicated agreement.

**The Convener:** I also ask the committee to agree that, at future meetings, we will discuss in private our draft reports for the inquiry into the regulation of the legal profession, for the Protection of Children (Scotland) Bill and for the Title Conditions (Scotland) Bill. Is that agreed?

## Members indicated agreement.

**The Convener:** Having cleared all that out of the way, I ask members of the public to leave the room. We shall recall them later.

13:37

Meeting continued in private.

13:41

Meeting continued in public.

## **Convener's Report**

**The Convener:** For my report, I refer members to paper J1/02/34/4, which gives my response to a letter from the convener of the Standards Committee. This subject was raised at our last meeting. I think that the committee will agree that there is nothing more that we can add about the leak. We have found out nothing more and there is no merit in having a further inquiry, because we are unlikely to find out anything else. I therefore suggest that we close the matter unless we receive any further information subsequently. Is that agreed?

#### Members indicated agreement.

The Convener: We will be required to report on the Mental Health (Scotland) Bill to the Health and Community Care Committee, which is the lead committee on the bill. I want to consider how we are to report on the bill. The Scottish Parliament information centre has produced a peach-coloured private briefing paper entitled "The Mental Health (Scotland) Bill: Justice Issues". The clerks are now passing that paper round.

The key points are given on page 3 of the paper. The bullet points show that there is quite a lot to which we can turn our attention. The bill provides quite a lot of regulation that involves criminal justice issues. I want to highlight the sixth bullet point:

"The Criminal Justice (Scotland) Bill contains provisions on high-risk offenders who are also mentally disordered."

The Justice 2 Committee may want some input on aspects of the Mental Health (Scotland) Bill that are related to the Criminal Justice (Scotland) Bill, but we are the secondary committee on all other aspects of the Mental Health (Scotland) Bill. I simply raise that matter with the committee.

We intend to take two evidence sessions on the bill on 29 October and on 5 November. We will take evidence from the list of suggested witnesses that can be found at the back of the SPICe paper on page 13. I will leave members to look at that private paper. If they want to suggest any other witnesses, please let the clerks know. Members do not have to come up with any names now, but if they think of any other witness, they should email the clerks and we will discuss it.

**Lord James Douglas-Hamilton (Lothians) (Con):** I request that the High Court judges be considered as well as the Sheriffs Association.

The Convener: That is a sensible point. Can we leave it for the moment because we are bound to

miss someone out if we do it just now. The list of witnesses is just a preliminary one and the first evidence session is on 29 October, so we have time to get through the list of witnesses.

## Prisons

13:45

**The Convener:** I move on to agenda item 4. I welcome Alec Spencer, who is director of rehabilitation and care at the Scottish Prison Service. He has spoken to the committee before.

We are taking evidence on the "Report of the Review Group on the Future Management of Sex Offenders within Scottish Prisons", which was issued on 28 June, as well as on subsequent events that collided with the review, such as the committee's report on the prison estates review and the minister's response. We are going to open out the issue a bit more.

Mr Spencer, could you provide some background to the report on the future management of sex offenders within the SPS? Could you tell us when the review group started—I know that it was on the go before we did our report—and talk about the membership of the group, the research methodology, the time scales and the number of times that the group met? I will repeat some of those questions if you wish.

Alec Spencer (Scottish Prison Service): As you know, the Executive's estates review proposals contained the comment that perhaps HM Prison Peterhead should close and that sex offenders should be moved elsewhere. I was invited to establish a group with external representation to work out what that might mean for the Scottish Prison Service; whether it is possible to transfer such programmes; what the future environment might look like; and how we might manage sex offenders in the future.

The group met for four full sessions and there were a number of other sessions. The group comprised people from within the Prison Service and experts from outside, including a clinical manager from the Wolvercote clinic, which is a community-based clinic in England that deals with sex offenders. The group also included a psychiatrist and a psychologist.

**The Convener:** I am looking at page 2 of your report, which details membership of the review group. Stuart Campbell and you are listed.

Alec Spencer: Yes. Stuart Campbell is from Peterhead and has given evidence to the committee.

**The Convener:** He is the prisoner programmes manager there.

I want to get the people on the record because the list is not in our public papers.

David Coghill is a senior lecturer in child and

adolescent psychiatry at the University of Dundee. Is that correct?

Alec Spencer: Yes.

**The Convener:** Donald Findlater is deputy director of the Lucy Faithfull Foundation. What is that?

Alec Spencer: The Lucy Faithfull Foundation is an organisation that is devoted to working with sexual abusers and dealing with those issues.

**The Convener:** Professor Roisin Hall is head of psychological services at the SPS. David McKay is care and opportunity training manager at the SPS. Jane Martin is service manager of criminal justice services at Fife Council. Professor Kevin Power is professor of clinical psychology at the University of Stirling and head of clinical psychology at Tayside NHS Board. Rona Sweeney is deputy governor of HMP Barlinnie.

The list contains one person from Peterhead. Although there is no one relevant on the list, your report addresses the issues of young sex offenders and women sex offenders.

## Alec Spencer: Yes.

**The Convener:** Did anyone in the review group have experience of working with such offenders?

Alec Spencer: David Coghill has experience of working with adolescent sex offenders.

**The Convener:** What about women sex offenders?

Alec Spencer: There was nobody who had direct experience of working with women sex offenders, but quite a number of the people who work with sex offenders understand the issues that relate to women sex offenders. At the moment, there are very few people with direct experience of working with women sex offenders in the Scottish prison system. We were aware of the issues.

**The Convener:** I suspect that different issues arise in respect of women sex offenders, as there are small numbers of them.

Alec Spencer: The committee will see that our recommendations are different for female sex offenders.

Lord James Douglas-Hamilton: The review group suggested two options for the holding of long-term adult male sex offenders. One option was to utilise Glenochil, with the former young offenders institution rebuilt to provide accommodation and appropriate supporting facilities for short-term sex offenders. The other option was for a new-build prison. As Mr Spencer knows, the Minister for Justice announced to the Parliament that Peterhead would

"remain open and will continue to be the main centre for

long-term sex offenders."—[Official Report, 5 September 2002; c 13375.]

What was your reaction to that announcement? It would be helpful to have your expert view of the options for redevelopment and modernisation at Peterhead. I am thinking of the lack of electricity in some cells and the need to end slopping out. Could the adjacent public sector land be utilised? Which are the most cost-effective options? Could I also—

The Convener: Let us take that part first.

Alec Spencer: As I represent the minister, the question is slightly awkward for me because I cannot give an alternative to the view that Jim Wallace expressed to the Parliament. We can move on to consider the Peterhead situation and the consequences of the ministerial announcement, but the issue for the review group was that we were invited to start afresh.

We were given a blank sheet on which to set out the ideal situation. We wanted to take account of a number of issues, one of which was to ensure that we gathered together specialists who could tackle the sex offender programmes. We took account of the fact that it is easier for people to work in the central belt. Exchanges can take place between prisons; if staff suffer burn-out, they can move to other prisons and it is easier for psychologists to exchange with colleagues in Carstairs. There are a number of reasons why a prison should be located in the central belt.

We also took account of the important issue of throughcare for sex offenders, which is better facilitated nearer to the places in which they live. If we were to start afresh, the optimum arrangement would be to locate prisons fairly centrally. However, as members know, other issues played a part in the minister's decision, including the vociferous campaign to save Peterhead. The minister took cognisance of those issues.

I will try to interpret what the minister said, although it is difficult for me to do so. For the foreseeable future, the sex offending programme will remain in the present concrete structure of Peterhead. The Prison Service will try its best to improve the accommodation. We will try to install electric power and to make arrangements with the staff to allow prisoners access to night sanitation. I existing that the Peterhead suspect accommodation is neither sustainable nor adequate and that using it is a stopgap measure. At some point in the future, although I suspect that it may be some way off, ministers will have to decide how the prison is to be replaced.

As members know, the SPS is working up a development programme for Edinburgh, Glenochil, Barlinnie and Polmont. We are planning a 10-year development programme for those institutions,

which will take a good deal of the capital-build moneys that were announced by the Deputy First Minister and Minister for Justice. I cannot envisage a replacement for Peterhead in the very near future.

Lord James Douglas-Hamilton: Would it be fair to say that, in the long term, the Prison Service has not ruled out a replacement prison on the public sector land adjacent to Peterhead prison? I recognise that that might take many years because of the rolling programme of development for other Prison Service institutions.

Alec Spencer: That decision has been deferred; it has not been ruled out.

Lord James Douglas-Hamilton: Will a certain amount be done to eliminate slopping out and to provide electricity to cells?

Alec Spencer: Yes.

**Lord James Douglas-Hamilton:** Will that include the provision of hot and cold water?

Alec Spencer: I am not sure about that. I think that that comes with the sanitation proposals, which are quite expensive and difficult to implement.

Lord James Douglas-Hamilton: As everything is under consideration, are you saying that you are not considering demolishing buildings and creating new buildings at the moment?

Alec Spencer: The minister was quite clear about the decision that has been taken. He said that Peterhead will remain for the foreseeable future. No decision has been taken to demolish Peterhead. The SPS board is considering how best to improve accommodation at the prison.

Lord James Douglas-Hamilton: Chapter 7 of the review group's report sets out the group's consideration of the delivery of throughcare to sex offenders. It concluded that the optimal location would be as close to the home areas of offenders as can be organised within the requirement to provide a single-purpose prison. Given your findings, how do you envisage the development of throughcare at Peterhead prison? Do you agree with Peter McKinlay that a number of prisoners from the central belt could be seen by one social worker at the same time?

Alec Spencer: We have to consider the best ways to do that. We could introduce videoconferencing or organise visits in the most economic way—for example, the cases of two or three prisoners could be discussed at the same time.

**Lord James Douglas-Hamilton:** But you do not see those problems as insurmountable?

Alec Spencer: They are not insurmountable,

but they create additional cost and there are time and travel implications for those involved.

**Lord James Douglas-Hamilton:** You mentioned Glenochil. What are the current proposals for Glenochil?

Alec Spencer: As far as I am aware, the development plan for Glenochil is being formulated at present. The plan involves some rebuilding of the existing adult accommodation to bring it up to standard. The young offenders accommodation is not appropriate. Once the new house block at Polmont is completed, which we hope will be in the late spring, we plan to decant the young offenders from Glenochil to Polmont. The young offenders institution at Glenochil will close. We plan to demolish the accommodation and put up some better accommodation at a future stage.

**Lord James Douglas-Hamilton:** Has a decision been taken about what kind of prisoners will be put into the new accommodation?

Alec Spencer: No. We have to take account of the Deputy First Minister and Minister for Justice's more recent statements.

**The Convener:** I have a few questions about Peterhead. From what you said, I understand that, about 10 years down the road, a decision will be taken to replace Peterhead with a new-build prison either at Peterhead or, as would seem to be the review group's preference, in the central belt. Is my reading of what you said correct?

Alec Spencer: Yes. I am not sure of the time scale, but a decision will have to be taken at a future stage about where the best place is to locate sex offenders. A case has been made for that facility to be maintained at Peterhead.

The Convener: You said that one of the key aspects about the location of throughcare at Peterhead was that the committee's report showed that we were not convinced about that. I take it that you disagree with us on throughcare when we say in our report that

"The Committee does not believe that the problems associated with the location of the prison are insurmountable."

Alec Spencer: Well, nothing is insurmountable—if we are prepared to throw money, time and resources at it. If the view is that sex offender work should remain at Peterhead for ever, we will have to ensure that, when case conferences are held there, organisations such as the police, social work agencies and child protection agencies are resourced to travel there.

#### 14:00

The Convener: The issue was not in the remit

of your review group, but we found that the prison fitted into the community. That is a huge plus. We will not have the opportunity today to discuss the likely risk of disruption during any transfer, but I see that you have now assessed that risk. What you say gives me cause for concern. Your report mentions the risks that staff will "disengage" from programmes, that there will be a "lessening" of programmes, and that there will be "prisoner anxiety". It also says that such a transfer would take three years.

Alec Spencer: Any plan would take time to evolve and to be implemented. However, the point about prisoner anxiety was that prisoners might think that they were going to a prison that was not for sex offenders only—a prison where they would feel physically at risk. If it was made clear that any future prison would be a single-purpose prison for sex offenders, prisoners and their visitors would not feel anxious.

**The Convener:** I am talking about the transfer. Three years is a long period.

Your report says:

"The community at Peterhead were prepared to allow sex offenders to work outside the prison. This would not happen elsew here."

Your response to that is:

"This is correct".

The community aspect is a huge asset, and I ask you to keep that in mind. The decision on Peterhead may have been pushed back but, based on the evidence that the committee has heard, your report's conclusions on the location of the prison do not appear to give sufficient weight to the attitude of the community.

Alec Spencer: You have quoted the first three words of the response but they were followed by a comma.

The Convener: Yes—the response was:

"This is correct, but was to be under very closely defined parameters."

Alec Spencer: I think that people were prepared to have prisoners working outside the prison, under the supervision of staff, to maintain grounds and so on. The parameters were very closely defined. The issue may have to be tested in future, but I do not think that people were willing to have sex offenders working in their midst or were prepared to have the families of sex offenders settling in Peterhead. If a prison is located far from where families live, some people will prefer to move nearer to their family member, rather than have the hassle of travelling.

The Convener: It is my recollection—although other committee members will no doubt disagree—that travelling did not seem to be a big problem. Quite a few of the offenders were in Peterhead because of offences against family members in the first place.

Conclusion 8 in your report says:

"the optimal location is one which is as close to home areas of offenders as can be organised".

Why is there no appraisal of how the prison for sex offenders at Peterhead fits into the community? That is an astonishing thing that has evolved over the years, and some weight should have been given to it in the report of the review group.

Alec Spencer: In his submission to the committee, Andrew Coyle talked about the historical reasons for the bond between the prison and the community. The issue for the SPS and for Scotland to consider is this: because something is in one particular place at one particular time, it does not mean that it should be in that place for ever more.

The Convener: That is not what I am saying.

Alec Spencer: If we are contemplating future work with sex offenders, we should ask where the best place for that work would be. However, that such work will remain at Peterhead is certainly fairly settled for the foreseeable future.

**The Convener:** Perhaps for the coming decade?

Alec Spencer: Perhaps. I do not know at what point ministers will want to start thinking about that again, but you are absolutely right to say that it will not be for the foreseeable future.

Michael Matheson (Central Scotland) (SNP): Based on your assumptions, if there were a single prison to deal with long-term sex offenders and a unit within it to deal with short-term sex offenders, there would have to be between 450 and 600 places for long-term sex offenders and 150 places for short-term sex offenders.

Alec Spencer: I think that the numbers would be slightly lower than that. The assumptions were that there would be about 450 to 500 long-term prisoners and up to 150 short-term prisoners, so there would be between 600 and 650 prisoners in total.

**Michael Matheson:** Yes, but there would be 450 to 500 long-term sex offender places—hence the reason for choosing somewhere such as Glenochil, which I presume would be able to accommodate those numbers.

Alec Spencer: That is right.

**Michael Matheson:** Is that how many we have in the system at present?

Alec Spencer: You will see from the report that we can identify between 450 and 470 people in the system, but that is mainly based on index offence. You will also see from our reception statistics that the index offence numbers are fairly low, and that there were no life or indeterminate prisoners admitted in 2000 for sexual offences. There were some such prisoners admitted, but if they are in for murder with a sexual offence, the index offence does not show that. There are more people in prison for sexual offences than the index offence shows, and there are those in prison who have had previous sentences or previous convictions for sex offending, but the current figure does not show that.

**Michael Matheson:** Do you believe that the optimum way of dealing with those offenders is in a single-site prison?

Alec Spencer: The review group's view was that that is the best way.

**Michael Matheson:** If we require between 450 and 500 long-term sex offender places, the only single-site option that we have at the moment is at Peterhead. Is that correct?

Alec Spencer: That is the current position.

**Michael Matheson:** How many long-term places are available at Peterhead?

Alec Spencer: About 300.

**Michael Matheson:** So we are at least 150 long-term places down at Peterhead?

**The Convener:** I would like to clarify a point. Michael, are you talking about adult male sex offenders or about long-term adult male sex offenders?

**Michael Matheson:** We are dealing with longterm prisoners—those serving sentences of more than four years.

Alec Spencer: You are absolutely right that that figure was the total figure. Of course, there are smaller numbers of young offenders; we estimate that there are 20 or so in the system.

**Michael Matheson:** I return to the issue. You have stated that we require 450 to 500 long-term places for sex offenders.

Alec Spencer: That is the expected demand.

**Michael Matheson:** Is your preferred option for a single site?

Alec Spencer: Yes.

**Michael Matheson:** The only single-site option that we have at the moment is Peterhead. From your assumptions, Peterhead has at least 150 fewer places than you would recommend are required.

Alec Spencer: For the long term, yes.

Michael Matheson: For long-term prisoners?

Alec Spencer: For the long term, because we have not identified all those prisoners at the moment.

**Michael Matheson:** I am working on the basis of the assumption that you based your report on. We need another 150 places and the only singlesite option that we have at present is Peterhead. It could be another 10 years before anything is done at Peterhead.

Alec Spencer: I do not know the time scale.

**Michael Matheson:** Why did you not consider what interim arrangements should be made for the 150 long-term places that are not available at present?

Alec Spencer: We gave an option, but our politicians did not choose it. You will be aware that Jim Wallace announced that there will be a consultation period. I shall be writing to various parties, including your committee, asking for comments. We must now consider the future management of sex offenders in Scotland with the current state of affairs as it is.

**Michael Matheson:** If Peterhead is going to be around for at least the next 10 years, if we are to have a single-site option and if we are already 150 places down for long-term prisoners, does it not make sense to you, as director of rehabilitation for the SPS, that we should provide those places at Peterhead?

Alec Spencer: That is one of the things that we will have to examine. The point is that we then start talking about new—

**Michael Matheson:** I am asking you whether you think it would make sense to do that.

Alec Spencer: Well, we then have to consider new build, because of the number that Peterhead can house. If we consider new build, we must consider either the redevelopment of Peterhead or another option for housing sex offenders. It is not a simple matter of bolting on 150 places-those 150 places would be new build. New accommodation would mean that the prison's life expectancy would become longer than that of the current buildings at Peterhead. The lifetime of the whole of Peterhead prison would be prolonged for, say, another 50 or 60 years. We must make some hard decisions about where sex offenders should be located and about where new build should take place.

**Michael Matheson:** As the director of rehabilitation in the SPS, who is recommending a single-site option, how long are you prepared to go without a single-site option that has available the necessary number of places for long-term offenders?

Alec Spencer: You will see from the review

group's report that not all those people have been identified. As the registration of sex offenders kicks in, as we know more about people, as our assessments improve and as previously convicted people come back to prison, the number of longterm offenders will rise. That is not an immediate, pressing problem, but it is a growing problem, and we will have to decide where we are going to provide the places.

The second-tier recommendation—not our favoured option—would be to hold long-term sex offenders in discrete units. We will have to follow that recommendation for short-term sex offenders if we are not to have one, centrally-located, major place for them all. We have to consider other options for the management and delivery of programmes for sex offenders. That is why Jim Wallace announced the consultation phase. We will seek opinion from others, and we will then work out a plan how best to manage the offenders.

**Michael Matheson:** In your expert opinion, what do you think the time frame for arriving at decisions will have to be?

Alec Spencer: The consultation phase will last for the next two months, after which we will have to arrive at some sort of decision as to how we will manage the offenders. I guess that that decision would be taken six months following the consultation. I suppose that, by next summer, we would hope to have some view.

The Convener: Some view on? Just to finish off the sentence: some view on where the new build should be located?

Alec Spencer: No, on how we should organise the sex offender population. Offenders would have to be located at certain places—we would have to decide where they are to be located and how they are to be managed.

**The Convener:** So we will have some direction by the summer of next year.

Alec Spencer: I cannot give a hard and fast guarantee—I will have to discuss the matter with the Prison Service board. We need to move forward and have a clear view as to how we manage sex offenders in the future.

The Convener: Exactly. We have had instability in the SPS, particularly among the officers and families at Peterhead, for a considerable time now. We wish that situation to be resolved, one way or another, without hanging about for the next seven or eight years. We therefore look forward to something happening in the summer.

I am conscious that we have only another 12 minutes or so. [*Interruption.*] I am advised that, in fact, we have until half-past 2.

Donald Gorrie (Central Scotland) (LD): This is

a fairly simple question, and you have already touched on it in your answer to James Douglas-Hamilton. What progress has been made with regard to having an outpost for young sex offenders at Polmont and for the very small number of female sex offenders at Cornton Vale? I am aware of what you have decided, but is anything happening in administrative or bricksand-mortar terms?

Alec Spencer: We are having discussions with the governor of Polmont as to how best to manage that small group of offenders. At the moment there are very few sex offenders at Cornton Vale, but we are about to discuss with the Home Office and HM Prison Service their programme for female sex offenders, which is not carried out on a group basis, but on a one-to-one basis. We will try to import something from south of the border and ascertain whether it is suitable for use with female sex offenders here.

**Donald Gorrie:** We received evidence that showed strongly that sex offenders and their families take a lot of flak when they are in what might be called a mixed prison. Might not young sex offenders at Polmont take a lot of flak from other young offenders?

Alec Spencer: We spent some time considering whether it would be better to have young offenders with a general sex offender population, if that were possible, but we thought it wrong that they should mix with adults. Our experts on adolescent sexual offending and the development of adolescents felt that it was better that they were managed in a young offender population than in any other population. Our view is that the unit for young sex offenders should be in a young offenders institution.

#### 14:15

Donald Gorrie: Will the unit be discrete?

Alec Spencer: We are having talks about that with the governor of Polmont. He has several locations in which such individuals could be housed. It is a matter of working out the best regime and how that might impact on support and on visits.

**The Convener:** Your report says that there are only two or three female sex offenders at Cornton Vale. Are any programmes run for them?

Alec Spencer: No specific programmes are run.

**The Convener:** You recommend that individualised programmes, such as those at HMP Styal, should be introduced. When do you hope that they will be implemented? There is nothing for female sex offenders at the moment.

Alec Spencer: I do not know when such a

programme would be implemented. We are starting to talk to HM Prison Service in England and I have no doubt that we will send people to find out about such a programme. We are involved with the English Prison Service on other sex offender programmes. We undertake joint training with England for some programmes and we have separate training for other bits of our work. We need to make progress on that with some speed.

The Convener: For how long have programmes for female sex offenders been provided in England?

Alec Spencer: The programme for female sex offenders is a fairly recent development.

**The Convener:** Are you telling me that there is nothing for female sex offenders in Scotland?

Alec Spencer: There is just the individual work that social workers and others undertake with female sex offenders. Programmes such as that on cognitive skills are important in supporting the sex offender programme suite. Such work is undertaken with female sex offenders.

**The Convener:** Your report says that sex offenders should not share cells, for obvious reasons. Do female sex offenders at Cornton Vale share cells?

Alec Spencer: I do not know.

**The Convener:** Do you think that those people should share shells? I am trying to say "share cells", but words such as "seashells" and what not want to come out of my mouth.

**Alec Spencer:** Our general policy is that prisoners do not share cells.

**The Convener:** We will have to find out about that, because there is overcrowding at Cornton Vale. It is important to know whether the prisoners share cells there.

Alec Spencer: I will try to find that out for the committee, but I am afraid that I do not know the answer at present.

The Convener: That would be helpful.

**Michael Matheson:** The report advocates greater use of community interventions in working with short-term sex offenders. Will you outline the programmes that are available in the form of community interventions for short-term sex offenders?

Alec Spencer: I am not involved in that. As the committee knows, I am involved in managing programmes and interventions for the Prison Service. Our advice, from review group members and from external sources, is that although some programmes are available, they are not available in every social work area. That needs to be addressed. It is not for the SPS to do that, but for criminal justice social work to consider. I presume that that is a resource issue for criminal justice social work.

**Michael Matheson:** You merely flag that up as a gap in the service.

Alec Spencer: Yes. We tried to suggest that not much benefit—except if it is punishment, for protection or for victims—is to be gained from locking up sex offenders for short periods. We cannot achieve much in a matter of months, and in our view, it would be better for such people to have a consistent alternative disposal in the community. However, that means that the community must be able to offer proper programmes.

**Ms Wendy Alexander (Paisley North) (Lab):** I will be as quick as I can. I move to the rehabilitation agenda. I do not know if we can complete the topic in ten minutes, but I will be as clear as I can.

We have all had the opportunity to examine the publication "Making a difference", in which part of the Scottish Prison Service's vision is stated as being the delivery to prisoners of opportunities to help reduce recidivism. I have searched in vain to discover the year in which "Making a difference" was published—please clarify when that was. The publication states that the what-works principle is followed in delivering rehabilitation and care. Will you expand on the what-works principle?

Alec Spencer: I apologise if the publication date is not on the back of the document. We produced it last month, and it was intended for our partners conference, which we are holding later this month. We are bringing together some of the other agencies, including social work, the voluntary sector and employment to talk about the way forward. That is our first approach.

Regarding your question about the what-works principle, it is important that the programmes that we undertake should have a sound theoretical model. They must be empirically validated to be effective in change. We target identified criminogenic need in prisoners and take account of their responsiveness to the programmes. The what-works principle means that we use an evidence-based model to make interventions that will have some impact in tackling either criminogenic need in offending behaviour and thinking patterns, or issues that are associated with offending, such as anxiety, addictions or a lack of life and employability skills, which might contribute to people offending. I hope that that helps.

**Ms Alexander:** It does. Other committee members might wish to ask similar questions because we all share a sense of the importance of

empirically sound data. The area is bedevilled by a lack of information. My concern is—let me put it bluntly—that at the end of 2000, the Scottish Prison Service board launched its new vision for being leaders in prison correctional work. If "Making a difference" was published last month— 20 months on from the launch of that vision—all it does is identify that we still do not have data on the number of people who have had applied interventions, on what has been delivered or on outcome data. The document says that

"the What Works unit will work closely with the Research Branch to develop robust indicators."

If your aspiration is to be a leader in correctional services and, 20 months on, you have not even identified the basic indicators that are required that leads to a degree of anxiety. Throughout the visionary document, there is a need for empirically validated data. The questions I return to are, how long has the what-works unit been set up and how many people work in it to try to establish the numbers of people who require interventions? I am trying to get a sense of urgency surrounding the matter.

Alec Spencer: Those are important questions. To reassure you in one sense—no jurisdiction has good enough information and most jurisdictions are at the start of a journey towards the evaluation and outcomes of programmes. Much more work has been done on programmes and their efficacy in North America. We are examining what we are delivering and whether it makes an impact.

One of the problems is that one might consider an individual item such as a cognitive skills programme. We have done some research and the encouraging indications are that it appears that such a programme has up to a 25 per cent effect on reconviction rates for people with few previous convictions, although it is less effective for those people who have more convictions.

That is very good, but it is only one element. This is a holistic model. If someone has undertaken a programme, but does not have a house to go to, does not have a job, has lost contact with their family or cannot access health care, that militates against their succeeding. It is very difficult to identify precisely what is responsible for reoffending.

**Ms Alexander:** I would like to press you on that. None of us underestimates the difficulty of assessing outcomes. That is not the question. Why is the Scottish Prison Service not deeply ashamed of the fact that it does not have the most basic input data?

Alec Spencer: We have input data.

**Ms Alexander:** Let me give you an example from "Making a difference". There has been political will to deal with the issue of drug misuse

in prisons. The previous Administration led on the data that are available. However, the leaflet on social care states:

"Benefits and financial advice is available in some prisons to help prisoners reduce their financial liabilities."

The leaflet on learning, skills and employability states that there is provision of core skills

"and supported distance learning at Further and Higher education"

in some prisons.

No one minimises the difficulty of obtaining outcome data. However, the committee found it impossible to establish what basic skills all prisoners have—rather than the skills of only those who participate in sample surveys—and what inputs are available. How many people work in the what-works unit? How long will it take to get basic input data and an assessment of the interventions that are required? Will you need six months, a year or two years?

**Alec Spencer:** The member has asked a number of questions, which I will attempt to tackle. We have some statistics. The throughcare centre in Edinburgh has indicated that, for example, 61 prisoners established rent arrears payment plans, 47 prisoners had their evictions stopped and 195 prisoners made applications for housing. I can give the committee data on the number of programmes that we deliver in every prison and the projected number of prisoners involved in approved activities in every prison. We have input data. The issue that concerns all of us is the impact that input measures are having on offending rates.

The Convener: The data are patchy. At a joint meeting of the justice committees on the budget, we asked the Minister for Justice what information he had on success rates in dealing with recidivism. The Executive is paying for courses and investing money in measures to prevent reoffending. We asked how success in combating recidivism was measured and were told that it could not be and had not been measured.

Alec Spencer: We are doing a number of things. The return-to-custody rates indicate broadly how many prisoners return to custody. Our computer system will be improved next year. Currently we are using it to track those who have engaged in programmes against the return-to-custody data. I provided information about cognitive skills programmes. We are starting to establish the effect of those programmes, which is quite good. I recommend the report "Reducing re-offending by ex-prisoners" by the social exclusion unit, which was commissioned in England. The unit assumes that up to 14 per cent benefit will be achieved by running programmes.

The initial data in Scotland are quite encouraging, but we need to broaden them and to examine the effect of every programme. That will take time. Wendy Alexander asked about the vision for correctional excellence, which was established at the end of 2000. As a consequence of that, the Scottish Prison Service board decided to create my post, which had not previously existed. The post was created in May the following year. I have gathered together information to produce "Making a difference". Over the next year or so, we will work quickly to collate data. We hope to have a new computer system operational next November. That system will contain far more information than the current system on programmes, inclusion matters and aggregating the needs of prisoners.

The problem is not limited to this jurisdiction. In England, for example, there is not the information technology to support the aggregation of the needs of prisoners. We might draw up an individual action plan and undertake an assessment with a prisoner, which says that they need X or Y programme. However, we do not know, across the estate, the total demands created by the specific needs of prisoners.

**Ms Alexander:** I accept the fact that IT systems are important, but this issue is at the heart of the correctional vision. It is about more than IT; it is about managerial objectives. The what-works unit has three objectives: to identify how many prisoners require interventions; to establish what is being delivered; and to consider outcome data for prisoners. What timetable do you envisage for reaching each of those objectives? When can we expect to know the number of prisoners who require interventions; when can we have full data on what is being delivered; and when can we expect to have reasonably robust outcome data of the kind that you want?

#### 14:30

Alec Spencer: We need IT to support the first of those objectives, as we are talking about a prison population of more than 6,000. Our plan is to roll out implementation of the computer system by the end of next year. We are developing a pilot system for the assessment of short-term offenders. That should be ready by the spring and we hope to roll it out over the following year so that, by the end of 2003-04, we will be undertaking assessments of all short-term prisoners as well as long-term prisoners.

We have some aggregated information on the needs of long-term prisoners, because that is a paper-driven exercise. We can tell you about their needs in terms of alcohol and drug programmes, employment and personal change. Nonetheless, we need to do more. We have another 2,500 short-term prisoners and we need to get their information.

The programmes that are needed can be identified. However, the prison service is moving towards a better performance management system, as the Deputy First Minister indicated in his statement. We need to identify what each prison's outputs are, which goes wider than identifying just programmes. We must work out how long people are spending on physical education, how long they are working for and whether we are making appropriate appointments for them for housing and employment. With the job centres and the employment service, we are looking to set up virtual employment agencies and so on in prisons. There is a range of issues, all of which are gradually coming together.

**The Convener:** Why is it taking so long? The Parliament has been in existence for more than three years, but you are talking as though we have just arrived. What has the SPS been doing all these years?

Alec Spencer: We have been undertaking programmes and doing a number of things—

The Convener: But you have not got any data. You cannot provide information about fairly basic issues. A lot of money is wasted when people reoffend after a short time and return to prison because we are not running our prisons properly and effectively, we are not able to run the programmes properly and we do not know the outcomes of the programmes.

Alec Spencer: That is extremely unfair. Our staff are undertaking a lot of good work in prisons. We have a target—

**The Convener:** I am not criticising the prison staff; I am talking about the management, which is not providing the committee with information.

Alec Spencer: We have a target of more than 700 programmes and 400 approved activities this year. I can tell you exactly how many of those will involve cognitive skills, drug relapse work, anger management, sex offender work, and so on. We know the inputs—they are not the issue. The issue is the outputs and their eventual impact on offending behaviour. It will take a little longer to find that out.

**Ms Alexander:** My final question is on a philosophical issue that is distinct from the one about the speed at which the data—even on the inputs—will be made available. The issue is not the existence of a programme, but what percentage of the prison population has benefited from that programme and may do so in the future. The specific issue is the delivery of the holistic approach. The introduction to "Making a difference" says:

"Our preference is for officer led delivery supported by specialists and, where appropriate, in partnership with external agencies."

However, when Dr McManus gave evidence to the committee, he was keen for professionals to lead the delivery of programmes. Given that resources are stretched, is it necessary to have a definite preference for officer-led delivery of holistic programmes? Does that represent a significantly different approach to the method of delivery that Dr McManus advocated?

Alec Spencer: Our preference is to utilise the large number of staff that we employ in a positive way. Many staff have skills that can be used. Staff who have become involved in the delivery of sex offender, anger management or cognitive skills programmes find those tasks rewarding. Although that is our preference, we understand that we will not have all the skills and specialisms. Some work is done using only staff and some work is done using staff who are accompanied by outside people with appropriate professional skills. E ventually, some work will be delivered by outside people who come in purely to do that. We do not have a problem with that mixed-economy view of the delivery of programmes.

It is clear to the board that we need to get on with the delivery of programmes. I accept the implied criticism that we do not appear to do a great deal. We have done a great deal, but we need to do more.

**Donald Gorrie:** On our visits, we have seen some excellent work and rehabilitation schemes, in which people were well motivated to participate. Such schemes were successful—they would probably lead to a job for participants when they left prison. Other schemes, although they did not involve sewing mailbags, were not intellectually demanding and would probably not lead to any useful outcome when participants left jail. What is the position on that in relation to sex offenders?

Alec Spencer: First, I will discuss work generally. We are examining our industries, in which a large number of staff and a big capital investment are involved. The industries provide an occupation for prisoners and our focus must be on whether the occupations that are provided have an impact on prisoners' chances of success after release. It might be important to have certain workshops that help with the normalisation of work, but to have textile workshops, for example, is not helpful.

We must think about what we will put in place. We need to have a work environment that enables prisoners to evidence the skills that future employers will want, such as team working and being able to take instruction. Prisoners also need to be able to acquire particular skills that would make them available to the labour market, such as construction industry skills. We are considering changing the traditional way of doing things in prisons. That will be a slow process, because we need to retrain staff and to refit workshops for training purposes. Some of the basic prison industries will remain.

In relation to work, the same situation applies to sex offenders.

**Donald Gorrie:** It appeared that the contract at Kilmarnock prison laid great emphasis on work, but there was the suggestion that the work that was provided was work for the sake of work. No attention was paid to any benefits that might accrue to the prisoner. There were complaints that people were taken off education, which might have been more useful, because the prison had to fulfil its quota for people working. Is that an accurate representation or have I misrepresented the situation at Kilmarnock?

Alec Spencer: You might have represented the position, but that might be partly our fault. At Kilmarnock, the education department has a target of 34,500 learning hours and there is a target of 103 programmes and approved activities. I talked to the director recently and we are considering how he might change one of the workshops into a throughcare centre. Kilmarnock prison is well aware that it is part of the Prison Service and it wants to play its part.

The Convener: In evidence, the Prison Officers Association Scotland told us that the Kilmarnock contract

"is set up on a work basis, not on one of challenging offending behaviour."—[*Official Report, Justice 1 Committee*, 23 April 2002; c 3427.]

As our report states:

"Taylor and Cooper confirmed that prisoners are 'disincentivised from attending behavioural programmes' for if a prisoner at Kilmarnock wishes to attend an offending behaviour programme, that activity counts as an unauthorised absence from work and could impact on the prisoner's wages."

Therefore, I think that Donald Gorrie was right.

Alec Spencer: I cannot comment on the wages side of things, because I just do not know the answer. However, I know that the management has committed itself to delivering a number of programmes.

The Convener: All that I am saying is that one of the work programmes at Kilmarnock prison is stripping and recovering metal from cables.

Alec Spencer: No, I am not talking about work programmes. Just like other governors in SPS prisons, the management has committed itself to targets for delivering programmes on anger management, thinking skills, drugs and alternatives to violence. I have seen that it is delivering those programmes, which are in addition to whatever other work and education programmes are going on. I want to disabuse you of the notion that the management is not providing rehabilitative work.

The Convener: For my last thrust at this issue, I will quote Her Majesty's chief inspector of prisons, who said:

"it is quite difficult to shift the main thrust of the Kilmarnock contract, which is about getting prisoners into the work sheds, irrespective of whether there is enough work for them to do."—[Official Report, Justice 1 Committee, 14 May 2002; c 3540.]

We are not even talking about quality work. The evidence that we received suggest that, as far as the private contract was concerned, work was seen as equalling rehabilitation and that, in fact, it prevented people from taking part in rehabilitation programmes because they were penalised for not working. That is how the contract was drawn up.

Alec Spencer: That might have been the case some years ago. All that I can tell you is that Kilmarnock Prison Services now wants to contribute to the rehabilitation of offenders. It is quite content to deliver as many programmes as its public sector comparators and to consider a throughcare centre such as the one at Edinburgh prison. I see no difference from other SPS prisons in Kilmarnock's approach to wanting to make an impact on prisoners.

The Convener: So what I have described is not the case anymore.

Alec Spencer: I do not know what happened in the past.

**The Convener:** I quoted evidence that was given to us just this summer.

Alec Spencer: Last year, Kilmarnock prison delivered 116 programmes.

**The Convener:** I am just asking whether what I have described is no longer the case.

Alec Spencer: I do not know where your people got their information.

The Convener: It was evidence from the chief inspector of prisons.

Alec Spencer: Let me give you a fact. Compared with Edinburgh prison, which delivered 26 and a quarter hours for 43 per cent of its population, Kilmarnock prison delivered 35 hours out-of-cell time for 92 per cent of its population.

The Convener: But the question is what the prisoners are doing when they are out of their cells.

Alec Spencer: At least the management is getting them out of the cells and into workshops.

Michael Matheson: Even if they are painting gnomes.

**The Convener:** Just a minute, Michael. I will let you in in a moment.

**Alec Spencer:** The management is delivering programmes. Indeed, it is committed to delivering 103 programmes and other activities this year.

**Michael Matheson:** Apparently, the prisoners at Kilmarnock really enjoyed painting the gnomes. For some of them, it was the third time round.

I want to refer to the key performance indicators that the SPS operates for out-of-cell hours. I was impressed to find out that Polmont young offenders institution meets its out-of-cell hours and workshop targets very well. However, when I visited the prison, the guys were sitting in the heavy workshops playing cards because there was no work for them to do. You said that you are currently able to measure inputs. What are you doing to measure outputs in SPS establishments to find out whether people in workshops are doing something meaningful?

In the "Learning/Skills/Employability" section of your visionary document "Making a difference", you say:

"The Scottish Prison Service future strategy will be to create tailored pathways that will help to fulfil the prisoner's potential. Individual needs will be assessed and a pathway agreed which sets out goals in learning, skills and employability".

What is the time scale for introducing that strategy?

Alec Spencer: You asked me several questions, but first may I thank you for the positive comment about Polmont? I think that it was the first positive thing that anybody has said about the Scottish Prison Service and I would like to record the fact that we do a lot of very good work.

**The Convener:** In this committee, we say very positive things about the front-line staff.

Alec Spencer: Thank you.

**Michael Matheson:** Perhaps you could answer the substantive point now.

#### 14:45

Alec Spencer: You spoke about young offenders being in workshops but playing cards, and about problems with contracts. For some time, we have not had a stable number of staff available to supervise prisoners. That situation has been caused partly by our escorts problem, especially in a young offenders institution where there are lots of people with outstanding charges. We hope that the new contract—which is being established jointly by SPS and the police—for the provision of escorts will lead to greater stability in prisons. **Michael Matheson:** May I intervene? The reason that no work was taking place was that the contract had ended and no one at SPS headquarters, with the responsibility for procuring such contracts, had been able to find a replacement contract.

Alec Spencer: The difficulty in getting contracts comes when you cannot guarantee the reliability of the delivery. Part of the problem with the reliability of delivery from prisons is that, if staff are called away for escorts and if workshops are shut, it is very difficult to get new—

Michael Matheson: I am sorry, but that is wrong. If you—

The Convener: Just a minute.

Michael Matheson: Can I say-

The Convener: Let Mr Spencer finish his point.

Alec Spencer: You asked me to come here as a witness-

Michael Matheson: But what you said is wrong, and the reason it is wrong—

Alec Spencer: But, in any case-

The Convener: Gentlemen, I want Mr Spencer to finish his point, after which I will allow Michael Matheson to respond, but I do not want you to talk over each other.

Alec Spencer: In any case, the governor of Polmont, when asked how things would shape up in the future, foresaw not industrial work but a training environment.

You are right to ask about our aspiration to have individual pathways, to have learning opportunities and to consider employability. We want a system that will assess individual needs and then meet those needs. We are developing that system. It is difficult to give you a date, but I would say that it will be in place by 2005. I would like to be able to give an earlier date, but by 2005, we plan to have systems in place for the aggregation of needs and for the transfer of information between SPS and outside agencies, which will allow proper throughcare and inclusion. Therefore, if you are asking me for a time by which the whole vision could be implemented, I would say by April 2005.

**The Convener:** I will let Michael Matheson in with a quick supplementary, then I want to give Maureen Macmillan the opportunity to ask a question. We are running over time.

Michael Matheson: I have to correct you, Mr Spencer. You are simply wrong about Polmont and I am surprised that a person in your position could get it so badly wrong. In Polmont, the heavy workshops make the frames for road signs; the vast majority of road signs across the United Kingdom have been made there. The reason the contract has ended is that thousands of signs have been stockpiled. No more are required. The contract did not end because officers who are normally in the heavy workshops are off doing escorts; it ended because it was a pointless contract in the first place. Thousands of frames have been acquired and no one has considered introducing a new, meaningful contract. I would have thought that you, as director of rehabilitation at SPS, would have been aware of that.

Alec Spencer: I do not think that this is the time for throwing stones at each other.

Michael Matheson: But it is a fact, I am afraid.

The Convener: If Mr Spencer cannot answer the question just now, he could write to the committee.

Alec Spencer: I thought that I had explained to Michael Matheson that we did not think that such industrial production was the most appropriate thing for young offenders. In a sense, Mr Matheson is right to say that it was pointless, because such work is not what best meets young offenders' needs for training, education and social inclusion. It is therefore right that the contract has stopped. I do not know what has happened to all those signs but, to get alternative contracts, we need to demonstrate the reliability of our delivery. We hope that that problem can be resolved through changes in our escort arrangements.

**The Convener:** We will leave that one for just now. I ask Maureen Macmillan to make her question short.

Maureen Macmillan (Highlands and Islands) (Lab): When I visited prisons, I heard that one of the prisoners' complaints was that they had no qualifications with which to leave prison, such as Scottish vocational qualifications. Have you any idea which prison workplaces have what you would call a training environment? Do any prison workplaces deliver anything like that?

Alec Spencer: I do not have that information to hand, but I know that we delivered about 3,000 Scottish Qualification Authority units last year. You are right to point out that we undertake vocational training in areas such as bricklaying, catering, industrial cleaning and painting and decorating. That training attracts vocational qualifications, but we want to move the thrust towards our being able to evidence in many of our workshops the skills that employers are looking for.

**Maureen Macmillan:** How far along that road are you? In what proportion of prisons is that happening?

Alec Spencer: I do not have that information, but I will let you know.

**Maureen Macmillan:** I am trying to get an idea of what needs to be done between now and 2005 and how you propose to do it.

Alec Spencer: Can we write to you with that information?

**The Convener:** You should write to the clerks, so that the papers are available to the committee.

I am sorry not to take any more questions, but we must bring this part of the meeting to a close, because we have so much other business to conclude. If members want to ask further questions, they should send them to the clerks, who will send them on. We will put the letter and the response in the public domain, if that is appropriate. We have simply run out of time. Thank you very much, Mr Spencer.

We move to item 5, which we agreed to take in private. I ask members of the public to leave.

14:51

Meeting continued in private until 16:55.

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