

# **JUSTICE 1 COMMITTEE**

Wednesday 15 December 2004

Session 2

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# CONTENTS

Wednesday 15 December 2004

Col.

ITEM IN PRIVATE.....	1341
REHABILITATION PROGRAMMES IN PRISONS .....	1342

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## JUSTICE 1 COMMITTEE

39<sup>th</sup> Meeting 2004, Session 2

### CONVENER

\*Pauline McNeill (Glasgow Kelvin) (Lab)

### DEPUTY CONVENER

\*Stewart Stevenson (Banff and Buchan) (SNP)

### COMMITTEE MEMBERS

\*Marlyn Glen (North East Scotland) (Lab)

\*Mr Bruce McFee (West of Scotland) (SNP)

\*Margaret Mitchell (Central Scotland) (Con)

Mrs Mary Mulligan (Linlithgow) (Lab)

\*Margaret Smith (Edinburgh West) (LD)

\*attended

### COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Helen Eadie (Dunfermline East) (Lab)

Miss Annabel Goldie (West of Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

### THE FOLLOWING GAVE EVIDENCE:

Mairi Brackenridge (South Lanarkshire Council)

Rab Gowans (East Renfrewshire, Inverclyde and Renfrewshire Criminal Justice Grouping)

Dr Roisin Hall (Scottish Prison Service)

Hugh Henry (Deputy Minister for Justice)

Dr Nancy Loucks

Jim Sexton (Glasgow City Council)

Alec Spencer (Scottish Prison Service)

Ed Wozniak (Scottish Prison Service)

### CLERK TO THE COMMITTEE

Alison Walker

### SENIOR ASSISTANT CLERK

Douglas Wands

### ASSISTANT CLERK

Douglas Thornton

### LOCATION

Committee Room 6



## Scottish Parliament

### Justice 1 Committee

*Wednesday 15 December 2004*

[THE CONVENER *opened the meeting at 10:23*]

### Item in Private

**The Convener (Pauline McNeill):** Welcome to the 39<sup>th</sup> meeting this year of the Justice 1 Committee. I apologise for the late start, but it took us longer than anticipated to agree lines of questioning on the weighty subject that we will discuss under item 2 on the agenda.

I have received apologies from Mary Mulligan, who will not be with us today. Apart from her, we have full attendance. With us we also have our adviser, Dr Laura Piacentini, who has been assisting us with our report on our inquiry into the effectiveness of rehabilitation programmes in prisons.

Under item 1 on our agenda, I invite members to agree to consider in private a draft report on our inquiry into the effectiveness of rehabilitation programmes in prisons, and to deal with it in private at future meetings. Is that agreed?

**Members** *indicated agreement.*

## Rehabilitation Programmes in Prisons

10:24

**The Convener:** Item 2 is our inquiry into the effectiveness of rehabilitation programmes in prisons. With us we have Rab Gowans, the criminal justice service manager at Inverclyde Council. He is representing the East Renfrewshire, Inverclyde and Renfrewshire criminal justice grouping. Mairi Brackenridge is the justice services manager of South Lanarkshire Council social work resources and Jim Sexton is the service manager of Glasgow City Council criminal justice social work services. I thank all three members of our panel for agreeing to come and speak to us this morning. We will move straight to questions.

**Mr Bruce McFee (West of Scotland) (SNP):** I would like to go right back to basics. Over the past few weeks, we have heard a number of definitions of rehabilitation. What is your definition?

**Mairi Brackenridge (South Lanarkshire Council):** My view is that rehabilitation is about supporting people to come back into the community and enabling them, as far as is possible, to avoid falling back into a pattern of reoffending. Also, if possible, rehabilitation is about promoting social inclusion and ensuring that people can make use of opportunities to give them more positive lifestyles. There are stages to that, however, and the extent to which a person can go through the stages depends on their ability. For some people, successful resettlement in the community is as much as they can hope to achieve. For others, moving towards training, employment and the adoption of a pro-social lifestyle is probably more achievable.

**Jim Sexton (Glasgow City Council):** There is a sense that rehabilitation deals with recent matters, which reminds me that some of the people with whom we work have long-standing problems since their early childhood. The "re" in rehabilitate is not an option for many people who have had long-standing problems.

**Rab Gowans (East Renfrewshire, Inverclyde and Renfrewshire Criminal Justice Grouping):** I suggest that rehabilitation is about using a person's time in prison as effectively as possible to get that individual to reflect on the various circumstances that led to their being there in the first place and to get them geared up to anticipating issues that will confront them when they go out of the prison gates.

**Mr McFee:** The submission from the East Renfrewshire, Inverclyde and Renfrewshire criminal justice grouping states:

"Prison social work involvement in the preparation and delivery of prisoner programmes is minimal and the trend in recent years has been to phase out social work involvement in this area."

Is that generally accepted by everyone on our panel? If so, what impact is that having on the development of rehabilitation, bearing in mind the definitions that we have just been given?

**Rab Gowans:** We based our submission on the experience of colleagues who were involved in prison social work. The observation that you mentioned is based on such experience.

Several years ago—as recently as four years ago, in fact—social work staff and prison officers who had done the drug and alcohol counselling course at the University of Paisley could work together to deliver drug counselling programmes. However, it is noticeable that, as time has gone by and there has been more pressure on budgets and so on, the scope for that to happen no longer exists. In terms of taking rehabilitation forward in the prison context, there is certainly scope for such a co-working approach.

**Mairi Brackenridge:** As we do not have a prison in South Lanarkshire, I am not responsible directly for managing that work. However, colleagues in the Association of Directors of Social Work tell me that the contractual arrangements between prisons and local authorities in respect of purchase of prison social work services have changed the nature of what can be delivered.

That said, it is possible to find examples of good work being done in conjunction not just with social work departments, but with all the relevant agencies in the community. I am thinking in particular of the work that is done through the links centres. If a department has no prison in its area, that is a real problem because we cannot build up local contacts. People from South Lanarkshire who are in prison cannot access the services that we provide locally.

10:30

**Jim Sexton:** My experience is that provision has been variable. For example, about four years ago, Glasgow City Council was delivering a sex offender programme in Barlinnie. The programme was stopped and has been replaced by the Scottish Prison Service's STOP programme. Our social work department works to co-deliver the programme. We used to be involved in the induction programmes at Barlinnie prison but we are no longer involved because of contract re-negotiation. That said, our general response is that the outcome has been variable. In the main, the trend is for social work departments no longer to be involved in delivery of prison programmes. The tendency is that SPS officers now deliver them.

**Mr McFee:** If I may, convener, I will explore the issue a little further. I do not want to go into the links programme in detail at the moment; other committee members might wish to do so. I understand that there will be difficulties if there is a prison in your area and you have helped to develop programmes. I detect from some of the responses that decisions have been taken for budgetary reasons or because of contractual problems. We have established that fewer social services departments are involved in rehabilitation programmes. Is that a bad thing or a good thing? I want to tease out whether the reduction in social services' involvement has been to the detriment of rehabilitation programmes.

**Jim Sexton:** There needs to be more social work involvement in prison programmes and in providing links to communities. Social work training and its value base contribute a lot to group-work interventions; indeed, we can see that in rehabilitation programmes. It is a loss that social work departments are no longer so involved in the programmes.

**Mairi Brackenridge:** As Jim Sexton pointed out earlier, an associated issue is that people who come into prison often have significant difficulties. For example, we can become involved with the wider family of prisoners because of issues such as child protection, child welfare, mental health, learning disabilities and domestic abuse. It is important that our knowledge and understanding of the impact that those issues have on the rehabilitation process is brought into the process. One thing that social work can do is provide professional knowledge and a means of assessment that can help people to understand how prisoner behaviours can be managed.

There are also implications for the time when a person returns to the community. For example, someone might aim to return to a family that no longer wants them because there might be, for example, issues such as domestic abuse or child protection. The issues that make up the complexity of the situation need to be married together.

**Jim Sexton:** The other advantage of social work involvement is that it avoids role confusion: social workers are not responsible for locking up prisoners at night. Prison officers have a dual role in a prison, whereas the perspective and role of a social worker is recognised as being to do only with rehab.

**Mr McFee:** Do you contend that not having such a dual role is beneficial in the delivery of rehabilitation programmes?

**Jim Sexton:** It makes engaging with offenders easier if we are not slamming the door on them in the evening.

**The Convener:** Is there a case for some officers who are employed by the SPS to be involved in rehabilitation?

**Mairi Brackenridge:** Yes. I have come across good examples of motivated individuals, who understand the harm that the revolving-door syndrome does to people who come in and out of the system. Officers must be motivated to do such work as part of their job. They also have to be selected to do it and they must be supported and trained to do it.

The same principle applies in residential units for children. We expect workers who are engaged in some of the more difficult tasks to build up relationships with people. It is a complementary role; it is not a role that can be done only by one person or by the other.

**Jim Sexton:** I agree.

**Marlyn Glen (North East Scotland) (Lab):** I like your comparison with residential homes for children in respect of the dual role. Will you comment further on the effect on prison officers of the relatively recent change in the culture in prisons? Officers perhaps entered the service when there was an entirely different culture and were motivated to join it for different reasons.

**Mairi Brackenridge:** Anecdotally, my impression from contact that I have had with officers is that some are more motivated than others to support the change agenda. That is partly to do with training, awareness and understanding of their role.

**Marlyn Glen:** The social work value base that you mentioned comes from a long tradition of training. Social workers' training is lengthy, but we expect a huge amount from prison officers after a very short period of training.

**Mairi Brackenridge:** As you are probably aware, we are moving towards degree-level training in social work, which is the correct level of training to ensure that people have a proper understanding of their role. Even at that, people who are selected to work in a council area would be put through a rigorous period of assessment. That would be part of the on-going development of an individual, which is very important.

**Stewart Stevenson (Banff and Buchan) (SNP):** I want to develop an understanding of the SPS's role in assessing what Mairi Brackenridge described as the complex needs of prisoners. I will pick out a few comments from the written evidence that the three witnesses submitted. The submission from South Lanarkshire Council states:

"There is currently no joint planning between prison and community services".

The submission from East Renfrewshire, Inverclyde and Renfrewshire criminal justice grouping states:

"Staff delivering programmes are based exclusively within the prison and have little to no experience of the practical and criminogenic issues experienced by offenders in the community."

The submission from Glasgow City Council mentions the need for

"case management to ensure that the appropriate programme involvement is taking place—whether in prison or in the community."

Those comments all focus on areas in which there is not a smooth transition between the different stages of the journey that a prisoner may experience. Given what you know about what goes on inside prison and the fact that our inquiry is about rehabilitation programmes in prison, is the SPS doing enough to establish the needs of prisoners at the outset? What impact does that have when it comes to later responsibilities?

**Mairi Brackenridge:** One of the things that have changed slightly since the submissions were made earlier this year is that the new throughcare arrangements have started to kick in, which means that there is for some prisoners better planning between entering prison and discharge, but that is not available to all prisoners. We are moving into the second phase of throughcare development, which will allow the prospect of voluntary assistance and also for throughcare to be delivered to short-term prisoners who will not come out of prison under statutory supervision. That might improve some of the planning for individuals. South Lanarkshire Council does not have a prison in its area, but in our submission we make the point that there is no sense that there is a strategic overview of services that need to be developed to support throughcare before a person enters prison and to ensure that, when they come out, the right services are available.

**Stewart Stevenson:** Therefore, although what goes on in the prison might in itself be worthy and good and although we might say the same about what goes on outside prison in the community, the absence of joint planning means that provision does not necessarily fit together like a three-pin plug going into a three-pin socket.

**Mairi Brackenridge:** That is correct.

**Jim Sexton:** I agree with Mairi Brackenridge that those are areas in which we need to make progress; the new throughcare arrangements will contribute to that. The solution is about contributing to sentence planning at an early stage and about social inquiry reports—which are prepared in the community—being followed through in prisons. The new throughcare arrangements should make a considerable

difference to that. Also, the Executive is considering joint training for the SPS and social work departments, which would help to feed into earlier input to sentence planning. I hope that that would make a difference as well.

**Rab Gowans:** There is no doubt that we have in the past suffered from a lack of joint planning. The new throughcare arrangements have been mentioned; once those have bedded in, there should be an improvement.

I am aware that the SPS has introduced a new screening process through the links centres. I do not know much about the detail, but it has been observed that prison social work units are not necessarily involved in that process. Perhaps such involvement could be considered to strengthen the process.

**Stewart Stevenson:** Have the prisoners whom you receive on their discharge from prison had access to adequate information to enable them to seek the help that they need? Have they participated in programmes and had the support in prison that would be of most benefit to them?

**Mairi Brackenridge:** Some have and some have not. Prisoners vary hugely in their individual understanding and their ability to take on board information and use it when they come back out into the community.

**Stewart Stevenson:** My question was not really about prisoners—I understand the point that you make about them—but was more about whether prisoners get appropriate information, which would obviously have to be based on their intellectual ability and their ability to understand. What is your judgment on that, based on the people whom you receive from prison?

**Mairi Brackenridge:** It is difficult when prisoners do not return to their local area. That happens; folk go all over the place. We can give general, but not necessarily specific, information about how to access services, so it can be difficult for people to follow up the information.

However, there are good examples. South Lanarkshire Council has been involved with Polmont young offenders institution in a transitional scheme, in which our youth learning service—which is part not of social work services, but of education services—makes contact with young people who are serving short sentences before they come out, meets them as they come out and introduces them to relevant services in the community. That scheme is at a very early stage, but that ability to make a connection with someone—a named person whom the young person knows they can contact—should help people to take the step into the services from which they require support. I think that the services are a bit ad hoc at the moment.

10:45

**Stewart Stevenson:** In social work, to what extent is how well people do as individuals judged by their contribution to rehabilitation of prisoners? To what extent should people who work inside prisons depend for career progression and annual assessment on their contribution to rehabilitating prisoners?

**Mairi Brackenridge:** Are you asking whether we judge the effectiveness of our interventions on whether an individual is successfully rehabilitated? I am not sure that I quite understood the question.

**Stewart Stevenson:** That was the essence of what I am saying, but I was being a little softer, if you like. If you are doing an annual assessment of how an individual is doing their job, it is relatively difficult to link that assessment to outcomes that might be delayed for some years. It is more a question of whether you are assessing individuals on their contribution to the process that you believe will deliver the desired outcomes rather than linking that contribution to the outcomes themselves. To what extent is that done, and to what extent do you think that it should be done for people who are employed in prisons? Is it simply the case that if none of the cons escapes, the prison is doing okay?

**Mairi Brackenridge:** That is quite a complex question. Some of the things that will aid rehabilitation are outwith the control of the individual social worker. For example, it is not in our gift to provide the accommodation that a person might require for successful rehabilitation. That is decided by a process of negotiation. That is in part about gathering information on such problems so that local planning can include examination of the nature of our relationships with housing providers and how we can ensure that appropriate accommodation is made available. We would use a review process to make sure that individual workers were properly assessing people's on-going needs and were trying to address them in the context of an action plan.

**Stewart Stevenson:** You distance the individual social worker from some aspects of the process, so who should be accountable?

**Mairi Brackenridge:** The matter is partly about the person who is responsible for managing the service, or the director of social work, or the chief executive of the council making sure that the criminal justice system or the community plan address a person's needs. It is also partly about joint planning arrangements between different parts of the criminal justice system ensuring that the process is carried out properly.

**Stewart Stevenson:** I will be slightly cheeky. Given that there is someone in the SPS who has the title of director of rehabilitation and care, would



it be appropriate for that person to be accountable for what is delivered, including what is done once an individual leaves prison?

**Mairi Brackenridge:** If rehabilitation is to work properly, it should be a partnership. The director of rehabilitation and care is responsible for what happens within their estate. They need to ensure that they are in partnership with community providers to plan for what is required when someone comes out of prison. I do not believe that responsibility for rehabilitation can lie with one individual; it is a joint responsibility.

**Stewart Stevenson:** So two people will get fired if rehabilitation does not work, not just one. I am sorry, but I come from a business background and have this brutal attitude.

**Jim Sexton:** You asked how we judge people's contribution to rehabilitation. We should first define the competencies that are required in people's jobs and then judge their contribution by considering whether they achieve those competencies. We might decide that somebody who works in rehabilitation must be competent in the use of a variety of assessment tools to measure people's needs, or that they should be competent in a variety of programmes to help to address needs. Once we have defined the competencies that are required for the job, we can go some way to measuring people's contribution.

You also asked whether the people who are in charge of care and rehabilitation in prisons should be responsible for the ultimate outcomes. One key point is—as members probably know—that research shows that programmes that are delivered solely in prison are not as effective as those that are delivered in the community. We need continuity, bridges and seamlessness. From the moment when someone gets a prison sentence, we should work with them until they go through the other door and are back in the community.

**The Convener:** I want to dwell on that; several witnesses have said that prison rehabilitation programmes are not as effective as those that are carried out in the community. I do not accept that. One issue that has come out of the inquiry is that the two types of programme are different. Do you accept that offenders whom we put in prison are different from those who are dealt with in the community and that you are not necessarily comparing like with like?

**Jim Sexton:** I am saying that if we have started work in prison, it must be continued in the community.

**The Convener:** I do not disagree with that—I learned that in the past few days when the committee visited the Parkhead drugs project. A key point that came out of the visit—it is obvious

when one thinks about it—is that not all offenders start programmes when they go to prison. Some have previously been on programmes that were disrupted. I accept that, but do you accept that comparing programmes in prison with those in the community is not helpful because they are different environments and involve different types of offenders.

**Jim Sexton:** I accept that they are different environments, which is partly my point. The reason why prison programmes on their own are not as successful is that what people learn in prison, they must practice in the community. My point is that we need continuity; we need work to be followed on from.

**The Convener:** Now I understand—you are saying that prison programmes on their own are not as successful as those that are followed up.

**Jim Sexton:** Yes.

**Mairi Brackenridge:** Some people who go into prison are, in our assessment, not motivated to work in programmes in the community and some have a mental health or learning disability that makes it difficult for them to change. One issue for the SPS is the number of people in prison who have mental health or learning disability difficulties and who cannot engage successfully in the process. We do not have appropriate facilities for people with that level of need.

**The Convener:** That is interesting—perhaps another member will pick up on it later.

Short-term sentences have been topical in our inquiry and in the recent debate on sentencing. We have heard various definitions of a short-term sentence. The SPS defines it as four years or under, but we have heard a variety of other definitions, ranging from six weeks to six months. A recent letter that we received from the SPS chief executive mentions that, as a result of the report by Alec Spencer, the SPS has decided that it needs at least eight months with offenders in prison. Do you have a definition of, or at least a guide on, short-term sentences?

**Mairi Brackenridge:** We would tend to define short-term sentences as those of four years or less partly because, in terms of our statutory responsibility, anybody who serves four years or less will not be subject to supervision in the community when they come out unless they agree to engage on a voluntary basis. Exceptionally, there may be some extended sentences or supervised release orders, but those are not common.

**The Convener:** Do you believe that you can achieve rehabilitation within short-term sentences, thus defined?

**Mairi Brackenridge:** I refer to what Jim Sexton spoke about earlier: it has to be part of a process. We are talking about people who have complex needs, and offenders will vary in their ability and in the extent to which they have been involved in offending behaviour. Accepting that some of them have come from chaotic and damaged backgrounds, it will take a considerable time to support their change. To an extent, individual assessment is needed to know what level of support offenders will need. That is why the throughcare process is important, whereby we are engaged in sentence planning and can continue that engagement afterwards, although that has resource implications.

**Jim Sexton:** Many of your earlier witnesses have said that rehabilitation is not possible within short-term sentences. Nevertheless, if a short-term sentence can be defined as up to four years, that means that someone could be in prison for two years, and not to do any work with them over those two years would be a waste. Although we may not be able to rehabilitate them, there is an onus on us to undertake some work with them. If that work can be carried on when they are released into the community, there is a prognosis for a much better outcome.

The problem at the moment is that we do not have statutory contact with the majority of people who are released after serving short-term sentences. That is something that the Executive will address in the future. However, the bottom line is that, if someone is in prison for up to two years, we need to do some work with them. If they were in prison for only six months, I would look to engage them in motivational work to encourage them to pick up.

**The Convener:** That is helpful. As Jim Sexton says, some people have suggested that we should simply abolish short-term sentences altogether, as there is not much that can be done with an offender in such a short time, although the definition of short-term is not clear. What you are saying, Jim, makes perfect sense, as does what Mairi Brackenridge says. The needs of the individual should be assessed first and there should then be continuity between services—whether education services or social work services—and prison. If that happens, there might be a chance of rehabilitation.

I would be concerned about taking the view that short-term sentences should be abolished, although I agree with you that not every offender has the same needs. When someone poses no danger to the public, but has been a persistent offender, prison can sometimes be appropriate; however, you are not saying that.

**Jim Sexton:** I am not advocating short-term sentences; I am saying that, if short-term

sentences continue, we will have to try to work within them. If offenders will be in prison for up to two years, there must be an opportunity for us to engage them in programmes during that time. For those on shorter sentences, there should be scope for motivational work.

**The Convener:** Do you have a view either way on the abolition of short-term sentences?

**Jim Sexton:** I support the general social work view that short-term sentences can often cause more harm than good.

**The Convener:** Even in the case of a persistent house-breaker who is responsible for a series of offences that have disrupted a community? Do you not think that taking that person out of the community for six months would provide a measure of comfort? That is my problem with that general statement.

**Mairi Brackenridge:** There is no doubt that that would offer the community respite. I can think of cases where there is no alternative way of providing that respite. Perhaps we have to explore such alternatives. I return to the point that sometimes we have the most difficulty with people with mental health problems, learning disabilities or personality problems, for whom there are no alternatives.

11:00

**The Convener:** I do not disagree with any of that. I just want to be clear about your view on abolishing short-term sentences. Do you not see a problem with that?

**Jim Sexton:** There will always be people from whom the public require to be protected.

**Mairi Brackenridge:** Whether that is about giving people a prison sentence or an alternative in the community that we do not yet have is debatable.

**Mr McFee:** I want briefly to pick up on a couple of points.

**The Convener:** Could you make it just one?

**Mr McFee:** Okay. I am interested to hear your view on short-term sentencing, on which, for many of us, the jury is still out. You mentioned the lack of a statutory supervision period for someone who has served a less than four-year sentence. Is it your contention that if individuals who serve such sentences were subject to some form of statutory supervision once they left prison—resources notwithstanding—you could carry on some of the work that you could not carry out in the short time of a six-month sentence?

**Jim Sexton:** I would like us to undertake more programmes with people while they are in prison.

If those programmes could be continued after people were released, many more could be started. At present, if we cannot complete a programme, there is little point in starting it. I look forward to the day when we can start programmes in prison and finish them in the community.

**Mr McFee:** So that is a yes.

**Mairi Brackenridge:** My answer is slightly more conditional. I do not think that everyone needs a social work service when they are released from prison. Some people would benefit from on-going support from other agencies, such as help with employment and training. People might not have other needs, but want a route back in to the employment market or access to a drug or other health service. It does not need to be about a specific social work service; it is about a range of provision. The point that I made about joint planning is that a number of agencies have a responsibility to reduce reoffending, not just social work and the prison service.

**Mr McFee:** I accept that, but do we need a legislative change that requires the individual leaving a custodial sentence to engage? The situation now is that people say, "Walk away, cheerio, I've done my time."

**Jim Sexton:** There would be an advantage for some prisoners in having that contingency.

**Rab Gowans:** That used to be the case for young offenders in particular.

**Margaret Mitchell (Central Scotland) (Con):** I want to explore the delivery of best practice across the system. In your opinion are prisoners able to access the relevant programmes for themselves?

**Rab Gowans:** We said in our submission that the situation was patchy across the SPS estate. That is the impression of prison-based colleagues.

**Margaret Mitchell:** What are the reasons for that? Is it a resource issue or is it to do with overcrowding or staffing levels?

**Rab Gowans:** It is probably a combination of those factors.

**Mairi Brackenridge:** The other point is that some prisoners refuse to access the programmes.

**Margaret Mitchell:** How does the situation vary from prison to prison?

**Jim Sexton:** The STOP programme for sex offenders is available in Peterhead and Barlinnie, but those prisons have a client group that can support frequent running of the programme. Sex offenders in other prisons will not have the same access to programmes, and may need to transfer to those jails to access them. There is a variable response throughout prisons.

**Margaret Mitchell:** What needs to be done to ensure that particularly good programmes are rolled out and used effectively in other prison establishments?

**Mairi Brackenridge:** Some of it is about having properly trained staff, which goes back to the partnerships that need to be put in place. Prison officers have a role, but in partnership with key agencies in local areas. It is about having the ability to engage. It is about having the premises to deliver programmes. It is about consistency of approach. One issue that was raised in some of the responses that you received, and which we have heard too, is that programmes can be cancelled at short notice, because other things intervene. We know from the effective practice agenda that you have to be consistent in how you approach programmes, because if you disrupt their delivery they are less than effective.

**Margaret Mitchell:** So the physical premises could be one issue. What about communication? If you have officers who are particularly good, are they talking to other officers? Is there a mechanism for them to spread good practice so that it is replicated in other establishments? If there is none, should there be one?

**Mairi Brackenridge:** I am not knowledgeable enough to comment on that, because I am not sure that mechanisms exist in the prison service to allow that communication.

**Margaret Mitchell:** If you were involved in delivering a programme, how would you want to spread it and ensure that other people took advantage of it and were able to access it?

**Mairi Brackenridge:** It is partly about joint planning. A plan is not something that sits up there—it is used to communicate to others what you are doing. It is informed by what we know works on the ground, and it informs people about what is going to be made available. Using the plan as a mechanism for communication can be an effective way of engaging people in the process.

**Margaret Mitchell:** But obviously there are resource issues that need to be addressed.

**Jim Sexton:** In terms of spreading the word on good programmes, the accreditation of programmes should be the guide. The SPS currently has programmes accredited within prisons, and the community justice accreditation panel is accrediting programmes in the community. I know that the intention is that there should be a joint accreditation panel between them. Those programmes that are accredited are rubber stamped as being good programmes, and all the processes that are associated with that, in terms of staff selection and training and evaluation, are built in to the accreditation process. People who work in the field could be guided by what was accredited.

**Margaret Mitchell:** There appears to be no mechanism for monitoring the rehab programmes that recidivist inmates have taken part in in previous sentences. How does that impact on their ability to benefit from rehabilitation?

**Jim Sexton:** That is a gap in the service that needs to be filled. People need to know what has been completed, not only in the community but in previous sentences. Communication needs to be improved.

**Margaret Mitchell:** Where would that communication come from?

**Jim Sexton:** Internal processes in the SPS need to be updated. I understand that in the current system each sentence is treated—more or less—as a separate unit and that the person as a whole is not considered. I hope that the system will be reviewed and that the SPS will move to a system that considers the whole person and takes account of the history of what has happened to them in prison. I also hope that as a result of the new throughcare arrangements, and initiatives such as joint training, our contribution to sentence planning will improve and we will be able to feed in information about what has been done in the community. There will be a two-pronged approach: we will feed information into sentence planning, and I hope that the SPS will upgrade its communication systems.

**Margaret Mitchell:** Prisoners are often able to take part in work and simulate activities that might happen outside prison. Does work experience improve their chances of finding employment on release?

**Mairi Brackenridge:** Yes, if it is followed up in the community. For some people, work experience in prison might be their first opportunity to develop a work ethic, but people need to know that that can be followed up on release. Sometimes we build up individuals' expectations of the work that they might find and they feel let down when they get out of prison.

**Margaret Mitchell:** Is the number of people who are sent to prison without having had any experience of work increasing?

**Mairi Brackenridge:** I do not have the exact figures, but unemployed people make up a high percentage of the people with whom we work. In particular, when we work with people from quite chaotic backgrounds we find that there is a history of unemployment and a lack of a work ethic in the family.

**Jim Sexton:** Research shows that employment is one of the major contributors to reducing reoffending.

**Margaret Mitchell:** That is interesting. I want to tease out a little the joint role that prison officers

have. You suggested that officers might be deterred from carrying out their rehabilitation role and delivering programmes because they lock the doors at the end of the prison working day. Is that just your impression, or can you give examples of occasions on which officers have not been able to carry out that joint role?

**Jim Sexton:** I think that that is the offenders' impression. A factor that has been shown to make a difference in delivering a programme is the warmth of the person who presents it. If someone's primary role is control, it is difficult for them to convey warmth.

**Margaret Mitchell:** Could the joint role help to improve relationships? I am a former teacher and we had to discipline unruly pupils, but if we did other things with them, such as took them to the gym, the relationship improved.

**Mairi Brackenridge:** It depends on what a person does as part of their role. Social workers discipline clients: we are responsible for ensuring the integrity of community-based orders, so if someone breaches an order we take action. Discipline is part of our role. Prison officers are clear about the parameters of what they can do, but factors that might have nothing to do with their relationship with an individual client, such as the environment in which they work, can make their role more complex. The most obvious parallel in the community is community policemen, with whom we have developed good working relationships. Community policemen are involved in very good work with young people. If they are called away from doing that work to do work on managing trouble in the street, that confuses the role. A discipline is applied to your role in your work with the individual, but you are very clear in your negotiation with the individual about the parameters of that relationship. It is when you have to switch from that role to another role, because the establishment requires that, that confusion is created.

11:15

**Margaret Mitchell:** Would it be more difficult in a high-security prison, as opposed to an open prison, where it is obviously much more relaxed? Is it possible to generalise, or are we looking at differences in personalities? Does it depend on the personality of the officer? What kind of things do you think make a difference?

**Jim Sexton:** I think that personality makes a difference. If you have role clarification and if people know that although you may lock the door on them at night you still have a genuine interest in their well-being and rehabilitation, they will be more inclined to listen to you. With some people, that commitment comes across, whereas there are

other people who do not have that level of warmth or genuineness in dealing with people.

**Margaret Mitchell:** In some prisons, they meet regularly with inmates to tease out any problematic issues. Is that the kind of thing that would help you in strictly defining the parameters of what is acceptable and what is not, and where one role starts and another role finishes?

**Mairi Brackenridge:** In an institution where people are living together, the prisoners' relationships with one another also have an effect, and what is going on in the prisoners' network has an impact in terms of bullying and people's ability to participate because of breaking the peer rules. A prison is a complex environment that we do not have to put up with in the community, where we are working in a more open environment altogether. The institutional effect can create a difference, and that is not to do with the commitment or philosophy of individuals who want to make a difference.

**Stewart Stevenson:** As you are all outside the prison, do you see that the personal officer role has a specific contribution to make in that regard?

**Mairi Brackenridge:** The personal officer role is an important one. Despite what we have said, those are the people who are there day in, day out. They get to know the individuals in a way that we never get to know them, because they are with them in a different living environment. There is a training and development issue there, as some people are better suited to that role than others are.

**Rab Gowans:** I refer to the comments that I made earlier about the co-working that took place in Greenock. That was very much about helping prison officers to develop into the role of personal officer, and I felt that there was real potential for co-working to take place.

**Marlyn Glen:** We have talked about targeting programmes for individual needs and for different categories of prisoners. I am always concerned about the pace of learning that is expected; sometimes programmes are terribly slow, and it is obvious that everybody learns differently, especially in the light of what you were talking about. In general, is the opportunity for rehabilitation sensitive to women prisoners' needs, the needs of young people and the needs of people from ethnic minorities?

**Mairi Brackenridge:** The evidence that has emerged suggests that it is not. Some of the work that has been tried in Polmont with young people is positive, although there is a real difficulty, as I understand it, in making that opportunity comprehensively available and sustaining it with people. That issue is to do both with resourcing and with the facilities that are available. I will be

interested in the outcome of the time-out project in Glasgow, which is looking at alternatives to prison. Jim Sexton might know more about that.

Many women who end up in prison could be dealt with in a different way, if the resources were available in the community. With the resources that are available to us, it is difficult for us to provide a service of the right intensity to the small number of women from South Lanarkshire who go to prison. We hope to learn from the Glasgow experience about what can be delivered. Very few people from ethnic minorities have gone through the service in South Lanarkshire. It is almost certain that the service would not be sensitive to their needs, because we would have to consider each case individually and probably do not have the resources to do that as effectively as we could.

**Jim Sexton:** Most of the accredited programmes, which are our guiding light, are cognitive behavioural programmes that are participatory. The majority of people with whom we work—although not all of them—respond to programmes of that type, which meet their needs.

All the programmes are based on research, most of which has been done with adolescent and adult offenders. The programmes are therefore suitable for delivery to young people and adults. Less research has been done with women offenders. There is an argument for developing a totally different programme for women offenders, but there is also an argument for contextualising existing programmes that address offending behaviour in order to provide examples that are pertinent to women. Even less research has been done on programmes that are aimed specifically at ethnic minorities. The bottom line is that the majority of our programmes are geared primarily at the majority of offenders. Other work is coming on.

**Marlyn Glen:** The committee visited the 218 project, which was very interesting.

You have already touched on the next issue that I want to raise. Are the facilities available in prison to offer relevant opportunities to those who suffer from mental disorders? You have spoken about the lack of appropriate facilities for dealing with personality disorder.

**Jim Sexton:** In its response, Glasgow City Council commented specifically on the lack of facilities for people with mental health issues. We would bid for greater input with high-risk offenders, even if they are displaying signs of conditions such as personality disorder. The traditional view is that not much can be done about personality disorder, but more recent evidence shows that the issue can be addressed in a programmed way that offers some benefit. We would bid for more programmes for dealing with issues such as mental illness.

There is a gap as regards work with people with learning disabilities. That has been highlighted particularly in relation to sex offenders. Very little work is done with sex offenders with learning difficulties while they are inside, which creates difficulties when they are released. In conjunction with the health service, Glasgow City Council runs a programme for sex offenders with learning disabilities. It has taken us a few years to develop the programme, and we started to run it only relatively recently. I would like more attention to be paid to mental illness and learning difficulties while people are in prison, with their needs identified earlier and services built in.

**Mairi Brackenridge:** This is probably anecdotal, but my impression from talking to colleagues and prison staff is that a number of people end up in prison because there is nowhere in the community to deal appropriately with their mental health problems, learning disabilities or personality problems. They are often the people—you referred to them earlier, convener—for whom the community needs some respite, but we are compounding their difficulties by locking them up, which sometimes harms them. Management problems are created for the prisons that have to try to meet their complex needs. I hope that if the medium-secure units get off the ground in Scotland they will provide an alternative and deal with some of those people, but there will still be a significant gap for those who are defined as having personality problems rather than diagnosable mental health difficulties.

**Marlyn Glen:** So we are beginning to understand the problems but there is a huge gap. Residential treatment facilities are viewed as effective at addressing drug and alcohol addictions. Is it realistic to operate such facilities in the prison environment?

**Mairi Brackenridge:** Our view is that residential treatment is part of an option, depending on the assessed needs of the individual. There is evidence from the successful drug treatment and testing order schemes that there is a long-term benefit to people who are motivated to change their behaviour where they are supported to sustain desistance in their community. Residential treatment may have a place in helping people in the initial stages but it has to be supported by progression into community-based facilities.

In South Lanarkshire we have run the DTTO scheme for only a relatively short period of time but we find that we make better assessments of people who are amenable to treatment if we can assess them in the community because we can work out their motivation to change. In a prison environment or a residential unit it is more difficult to assess people because they do not have the pressures that come from living in the community

and a false environment can be created, which affects people's ability to change their behaviour.

**Marlyn Glen:** I turn to lifestyles. Have you come across any particular concerns about prisoners' diets and health in relation to rehabilitation?

**Mairi Brackenridge:** Offenders have poor health and die much younger than other people. As you know, there is a significant problem with people who come out of prison dying quickly from drug overdoses—we have discussed that locally. Developments are taking place in health and community care, where there is a much more active health promotion role. That work must include how we deal with the significant difficulty of the health needs of offenders and prisoners.

There is also a question, particularly in relation to younger offenders, about whether some of the behavioural problems that people display are associated with diet.

**Marlyn Glen:** There is a programme on diet at Cornton Vale but it is obvious that not only women should undertake such programmes.

Finally, on family issues, will you outline briefly the role of the prison in maintaining family contacts? We heard about difficulties with travel.

**Mairi Brackenridge:** It is an important part of rehabilitation for links with the family to be kept, if that is appropriate. However, where there is a history of sexual or domestic abuse we must be much more sensitive to the needs of the family as opposed to the needs of the prisoner. Sometimes, the needs of the family or the child have to take precedence over the prisoner's rehabilitation plans, as they are victims of the prisoner.

11:30

**Mr McFee:** My question is for Jim Sexton. In your submission, you seemed to suggest that cognitive behavioural programmes were suitable for the majority of prisoners. How effective do you think that those programmes are?

**Jim Sexton:** As I said earlier, the programmes are started in prison but it is when the person returns to the community that they are most effective. A good example is the community sex offender group work programme, which is the only provisionally accredited programme in Scotland. It fits in with the STOP programme, which is delivered in prison. If sex offenders complete the STOP programme in prison, they will be picked up by the community sex offender group work programme—the second phase, as it were—when they return to the community. Such programmes are effective when there is continuity.

**Mairi Brackenridge:** I would add a rider to that, to the effect that they are effective as long as all

the person's needs are dealt with. If someone is homeless or has major drug or health difficulties, we will not deliver an effective programme. In parallel with the focus of the treatment, the offender's other needs must be addressed. Dealing with accommodation, family relationship issues and employment and training is the sort of action that research shows will ensure desistance from offending. It is important to help people to understand their offending, but you have to put a network of support around them as well.

**Margaret Smith (Edinburgh West) (LD):** That last comment leads seamlessly into my first question, which relates to examples of best practice in linking up prison services with community services across the board, such as housing, health, social work and other welfare services. Do any of you have examples of situations in which those services are being linked up? Are you aware of any difficulties that people have come across when they have tried to make those links?

**Mairi Brackenridge:** From the work that we did around the reducing offending consultation, I know that some of the practices that are being developed by the links centres are proving to be very positive in terms of putting people in touch with the relevant agencies. However, because we do not have local prisons, people are often not put in touch with their local services. The principle is good, but the question is how we can engage the local provision in that work.

**Margaret Smith:** Again, that leads seamlessly to another of my questions. Is there a problem in relation to the geographical distance between the prisoner and the community? How could people work together in that regard, particularly from the point of view of the SPS? Is there a way in which it might be possible to think about placing people in local prisons, in an attempt to counter that problem, or do you think that, in terms of the prisoner's sentence management, that would not work?

**Rab Gowans:** There would be massive benefits if such a system could be set up. I know that the suggestion presents all sorts of logistical problems for the SPS but I think that one of the key parts of preparing someone for release is getting them linked up with the organisations that they will be able to access when they get out. There is a great deal of potential for further in-reach work to be done by the various groups that can provide support in the community in terms of accommodation, addiction treatment, employment and so on.

**Margaret Smith:** You have mentioned the links centres, which some of us have visited. Are the present throughcare facilities adequate? Do you feel that the Executive's direction of travel on

throughcare will improve the situation? In particular, do you believe that prisoners receive adequate preparation for release?

**Mairi Brackenridge:** I think that there are still logistical difficulties because of the spread of the population that requires throughcare services. Our throughcare team, which is based in Motherwell—North and South Lanarkshire provide a joint service—can have prisoners in almost every prison in Scotland. That means that it is inevitable that prisoners who are in more local prisons get a better service than those who are in prisons that are further away. Sustaining our service with a small staff team has resource implications.

**Margaret Smith:** Does anyone else want to comment?

**Jim Sexton:** The Executive is on the right lines with its work on throughcare, but a lot of work remains to be done locally. At the moment, some of the drugs programmes that are undertaken in prison are followed up in the community, which provides some continuity. The services that Cranstoun Drug Services Scotland delivers represent an improvement, but when people move out of prison, I would like them to have access to existing local services. When prisoners from Glasgow are released from Barlinnie, I would like there to be a tie-in with the services that are available in their communities. The Cranstoun input lasts for 12 weeks, whereas local authority drugs support is available indefinitely. There should be a greater tie-in with those existing services.

At the moment, people can bid for the contracts in prisons when they come up. We should consider the possibility that some of the people who work in that field do not bid because they may feel that some of the penalties are prohibitive. Cranstoun provides a service, but connections with more local services might offer scope for development.

**Margaret Smith:** I invite all the witnesses to give a quick response to my final question. You will be aware that the Executive launched the criminal justice plan earlier this month. What is your initial assessment of the proposals that are set out in that plan, especially the strategy to impose on the Scottish Prison Service a new duty to work with local authorities and other partners to reduce reoffending?

**Mairi Brackenridge:** The criminal justice plan has a lot of potential, and the proposal to which you referred is positive. However, I am concerned that the plan talks about setting up a smaller number of boards—the number has yet to be determined—that will take criminal justice social work away from the local authorities. I understand that the detail of the proposal needs to be worked

on—it has not yet been thought through—so we still have the chance to influence matters and ensure that local services such as housing, health, employment and training, which, as I said, are key to ensuring effective rehabilitation, are part of the process.

**Rab Gowans:** We have already acknowledged that we have suffered from the absence of joint planning, which the strategic national plan should address. As Mairi Brackenridge said, the geography of the SPS estate raises obvious issues. How that is tied in with local partnerships remains to be seen.

**Jim Sexton:** I welcome the joint planning proposals, but I wonder whether they include proposals for joint funding to drive forward specific aspects of the process.

**Margaret Smith:** Does joint funding mean that money that currently goes to the SPS is taken away and used in the community?

**Jim Sexton:** Yes—it means considering how we can combine resources to obtain best value as part of that joint planning, so we do not just talk about it but have something to aim at.

**The Convener:** That ends our questioning. On the committee's behalf, I thank all three witnesses for their valuable contribution to our inquiry. They have confirmed a lot of our thinking and have given us new points to consider, especially on how we support those who have mental health problems. That evidence has been helpful.

Our second witness is Dr Nancy Loucks, who is an independent criminologist. We are delighted to have her at the Justice 1 Committee this morning. I apologise that, as usual, we are behind time. We will go straight to questions.

**Mr McFee:** As I did with the previous panel, I start by going back to basics. What is your definition of rehabilitation?

**Dr Nancy Loucks:** Actually, that is a tricky question. I have some difficulty with the idea that someone can become a changed person through treatment, as if that can somehow change their offending behaviour when they move back into society. Rehabilitation is more about equipping people to cope as well as they can on their release. Equipping them means that we tackle things such as addiction and help them with employment, training and literacy, which can help them to cope in the situation that they were in previously. In that way, we hope that they will be less inclined to reoffend. I see offending as very much a combination of the characteristics of the individual and the society from which they have come. I do not really agree that we can cure a person's offending by somehow changing the person. Rehabilitation is very much a matter of

equipping someone to participate fully in society when they go back out.

**Mr McFee:** So rehabilitation is more about education than anything else.

**Dr Loucks:** Yes, I think so.

**Mr McFee:** In your written submission, the fourth paragraph on the first page states:

“Communication in prisons can be an extremely laborious process. The aims of rehabilitation are clearly articulated to staff and prisoners in theory”.

In the light of your definition of rehabilitation, is the goal of rehabilitation clearly articulated and understood by prison officers or is it only articulated to them?

**Dr Loucks:** The goal of rehabilitation is clearly articulated to prison officers in the sense that they know that they are supposed to equip prisoners for their release. However, the issue is whether prison officers agree with and participate fully in that. There are discrepancies among officers about the extent to which they feel able to take on that role. Some are more inclined to participate in prisoner programmes, but others are more inclined to revert to a more traditional role if they can. Some are more inclined to take part in the personal officer scheme, but others are more inclined to withdraw from that role and do not participate fully in it.

**Mr McFee:** To put that in context, are you suggesting that prison officers clearly understand what is expected of them but some officers basically disagree that they should be involved in that process?

**Dr Loucks:** The issue is whether they are willing to be involved in the process. Not everyone agrees with that role. People in the prison service use the term “care bear officer” and contrast that with the role of the more traditional officer. The care bear officers take on the programmes for parenting skills, cognitive skills and anger management and the role of family contact work; the others try to stick to a more traditional view. That view seems to be changing as the prison service changes. I am not saying that a big battle is taking place among officers, but there is certainly a difference between those roles.

The point in my submission about the difficulty in communicating to people is that they are not always aware of the resources that are available to prisoners in prisons. They are also not always aware of best practice, of what is happening elsewhere—particularly in other prisons—or of the resources that are available outside for when prisoners are released. Links centres are improving that, as people who deliver programmes and services outside come into prisons. The exchange of information and services is becoming a bit more fluid.



11:45

**Mr McFee:** How effective is the system at spreading information about rehabilitation to prisoners?

**Dr Loucks:** The information is available if people know where to look for it and who and what to ask. Much information is given to prisoners on induction. That information is full and helpful, but when people first enter a prison, they are often distraught and withdrawing from drugs. They are not necessarily in the best condition to retain the information that they are given.

In earlier research, I said that information that is given on induction should perhaps be delivered continually throughout a sentence, so that people are made continually aware of the opportunities that are available for them to take advantage of. People might not be ready to take advantage of some opportunities when they first enter prison, but they may be more willing as they progress through their sentence and their time in custody.

**Mr McFee:** I am sorry to press you, but on spreading information to prisoners in such a way that they understand it, where is the system on a scale of one to 10 if one is terrible and 10 is excellent?

**Dr Loucks:** The situation varies tremendously according to the prison, the staff who deliver induction programmes, who the prisoner asks and the prisoner's state. Examples of excellent practice are the induction programmes in places such as Cornton Vale. Edinburgh prison has developed thorough induction programmes and makes induction available to families.

Information needs to be available. People who prisoners feel comfortable about approaching to ask need to be present. That will often depend on prisoners' relationships with individual officers.

**Stewart Stevenson:** I am interested in what you said about the limits to what rehabilitation can achieve. Your submission to the committee says:

"Assessment of programmes in ... prisons is rather thin."

You also comment on

"Evaluations of certain offending behaviour programmes such as anger management".

Are you saying in essence that cognitive skills-based programmes of one sort or another will not equip the prisoner for leaving prison?

**Dr Loucks:** No. Based on assessments that we have seen in other countries, very good programmes are available. The SPS has not had much consistent evaluation. Some programmes have been evaluated—the number is greater now. Programmes such as those for anger management in individual prisons have been evaluated. More consistent assessment and on-

going evaluation need to be built into programmes that are available in prison. The information is not available and the situation is rather ad hoc at the moment.

Following a report that the Home Office published last year, whether cognitive skills programmes work has been debated. The findings, which were issued in the past year, were that such programmes made no difference. However, the qualification to that is that cognitive skills programmes work well when they are targeted at the right audience at the right time and, ideally, are followed up in the community, as previous contributors have said.

Once it is found that cognitive skills programmes are a good thing, the tendency is to set targets and to say that if the programmes are good, so many offenders need to undertake them. The problem is that that does not necessarily mean that the people who are best placed to follow those programmes are put on them, so they will not be as effective as they would be if they were used for the appropriate audience, at the appropriate time and in the appropriate context and were delivered by the right people. Many conditions must be met to deliver an effective programme.

**Stewart Stevenson:** If that is the case, is there an effective system of communication that allows people who have been through the programmes and have subsequently left the prison to tell other prisoners about their benefits and to enable those prisoners to self-select themselves for the programmes? What is the role of self-selection in the subsequent success of prisoners who undertake such programmes?

**Dr Loucks:** If you are talking about cognitive skills programmes, I should point out that they do not really involve self-selection. Instead, selection for such programmes would be carried out during the sentence planning assessment for long-term prisoners and during the short-term offenders needs assessment, or STONA. If it is decided that such a programme would be appropriate for a prisoner, they can still decide whether to take part in it. Many prisoners take part in such programmes not necessarily because they feel that they need what they offer, but because they think that it looks good to go through them. They might well benefit from a programme—which is obviously the point—but their initial reasons for going on it might not have anything to do with the need to better themselves.

On your first question, there is not a great deal of crossover between prisoners who have been released and those who are currently serving sentences. That is mostly the result of a deliberate security policy, because such programmes have many security implications. However, in other

countries, such an approach has been very effective. For example, in Canada, there are peer counsellors for life sentence prisoners. Such people, who have themselves been released from life sentences and have been through the same system, come back either to the prison or to some halfway house to act as mentors.

Obviously, prisoners still serving sentences who have gone through the programmes are able to give feedback to people who have yet to undertake them, but I cannot honestly say how effectively that works on any formal level. I am sure that, informally, it must happen all the time.

**Stewart Stevenson:** The key question is whether communication is working for the candidate group who might be thought to be the people who should be undertaking programmes. For example, are people on programmes being encouraged to tell their fellow cons that it is useful to go through them? Moreover, when that happens, is it for the right reasons? After all, you have already suggested that the aim for prisoners is to build up a CV instead of acquiring skills that will help them to control their personalities.

**Dr Loucks:** I am sure that much of that happens informally, but there is no formal structure for prisoners who are on a programme—

**Stewart Stevenson:** But should there be a formal structure or some formal way of maintaining such communication?

**Dr Loucks:** It might help if prisoners were able to talk to other prisoners who had been through the programme. However, it is debatable whether such a system would have credibility or whether people would simply think that prisoners were playing the game or jumping through hoops. It would be useful to have as much information as possible about the effectiveness of programmes.

Although there are many drawbacks to prison staff delivering programmes, one benefit is that those who work on the halls are able to answer any questions that prisoners who are thinking about going through a programme might have and to market programmes more effectively than if they were delivered by outside parties. Indeed, that has been happening in the pathfinder projects in England and Wales.

**Stewart Stevenson:** Do programmes work best when there is reinforcement in a prison's residential and industrial areas, which means that the system can work well only if it involves the staff who work in those areas instead of in classrooms?

**Dr Loucks:** I do not know whether that is the case, but such an approach would have benefits as far as reinforcement and increasing and maintaining motivation to participate were

concerned. After all, motivation is certainly a major factor in whether a person participates in and completes a programme and is willing to continue with any kind of follow-up. The participation of staff in the way that you have outlined is not necessarily essential, but it certainly helps.

**The Convener:** I agree with the very helpful statement in your submission that

"Rehabilitation should be a priority for short-term as well as long-term prisoners".

Do you think that short-term sentences should be abolished?

**Dr Loucks:** That goes back to the definition of short-term sentences, which was asked about previously. I do not think that formal short-term sentences—that is, sentences of less than four years—should be abolished. Ideally, sentences should be kept as short as possible. It should be borne in mind that one of the main purposes of a prison is to hold people who are a danger to society. Sentencing a person to custody for seven days for non-payment of a fine, for example, takes up a tremendous amount of staff time and resources through receiving that person into prison, doing the assessments that must be done to ensure that they are not a danger to themselves or to others and classifying what they need during their time in custody. A tremendous amount of staff time and energy is taken up by someone who will, in effect, be out in three days. There is a need for some sort of response if a person does not pay a fine, but such a sentence seems to be disproportionate to the amount of staff time and energy that is required.

My submission says that the majority of people who go to prison are sentenced to a period of less than a year. Such people will not have time to benefit from the programmes that are available in prison. Many of them—such as prisoners who are serving sentences of three months—are not even assessed to undertake work in the prison because there will not even be enough time to allocate them to a work party. Three months is a long time to sit and do nothing. A big problem is very short sentences and the amount of prison staff time and effort that is taken up.

**The Convener:** Does the answer partly lie in what we have heard this morning about a more co-ordinated system? I refer in particular to reoffending and people spending a short time in prison. Would a system of case notes that said what the prisoner had done in the system—whether they had served a community sentence and what services they had had—make all the difference if things needed to be picked up over a short time?

**Dr Loucks:** Do you mean during the short time that prisoners are in custody?

**The Convener:** Yes.

**Dr Loucks:** That is certainly one way of looking at things. It should be borne in mind that, for people who run a prison industry, having someone in a workshop for two weeks before they are back out again is extremely disruptive to any formal training or any type of project. Perhaps it would be much more constructive for people to take part in education programmes, for example, in which they can work on an individual basis and pick up on modular programmes and so on. It depends on what people are trying to do. Cognitive skills-based programmes, for example, are long-term programmes that last for a minimum of 22 or 48 weeks. By definition, such programmes cannot simply be stopped and started at any one time. Having case notes available and risks pre-assessed to some degree may help for some people, but certainly not for the majority of people who come into prison for very short periods.

**The Convener:** Does prison contribute to the nature of reoffending?

**Dr Loucks:** Very much so. As has been said, coming into custody even for a short time might cost people their job and their house, if they have a tenancy, and might break down relations with their families. I have been doing a lot of work on prisoners' family ties for Families Outside and the Prison Reform Trust in England. We are finding that even very short periods of custody—or even remand—can be enough. A woman gave the example of having been on remand for a week. When she came back out, her children did not speak to her any more, as they thought that it was her fault that she had somehow left them. That was enough to break down relations in the family.

**The Convener:** Why does such a scenario lead a person to reoffend?

**Dr Loucks:** They reoffend if they do not have family support and have additional stress at home, or if they lose their job because they did not turn up for an unexplained reason. People can also be left homeless. Family support is a big issue in that context. People can be left without the resources that they had before they went into prison or they may be even more isolated than they were before they went into custody in the first place.

**The Convener:** So that tends to make a person likely to commit another offence.

**Dr Loucks:** Any kind of social isolation and exclusion is increased by a person going into custody and breaking the ties even further than they were broken before they went in.

12:00

**The Convener:** As part of our inquiry, we have spoken to quite a few prisoners, the vast majority

of whom were probably serving four years or fewer. When we asked them whether they could have achieved the same in the community, they invariably replied that they felt that they needed to go to prison because they needed that shell-shock approach. Some of the cognitive skills and anger management programmes would not necessarily have been available to them in the community.

**Dr Loucks:** Some people say that they benefit from having a break, which is one of the reasons why the time-out project—now the 218 project—in Glasgow was set up. It gives people that removal from their current environment without their having to sever ties completely or to be in the artificial environment of prison where they cannot maintain ties with the community in the same way. That kind of project gives people time away, a break and a sense of stability without going to the extreme of putting them into custody.

**The Convener:** Community sentencing is said to be a better alternative to prison because the reoffending rates are not as high. My view is that the offenders who tend to be sentenced to serve in the community are not the same as those who are given a prison sentence. However, even if one thought that community sentencing was a better alternative in every case, the reoffending rates are still pretty high. Do you agree that we are still failing in community sentencing?

**Dr Loucks:** One has to be ambitious in what one achieves in a community sentence, because people who commit offences have a great deal going on in their lives besides the offending. They will have a whole host of issues to do with housing, employment, literacy skills, social skills, physical health and, in many cases, mental health. All those matters need to be addressed in order to help those people to become a functional part of society.

Community sentences are not necessarily geared to addressing those problems. Some are, but they are expensive. The more effective community sentences are designed to be more holistic in their approach to dealing with the problems that people have to wrestle with and that are excluding them from society. Many community penalties, particularly those that are intended to be tough on crime, are designed not to address those problems, but to act as a punishment. Such penalties will leave people in the same position where they were before and are sometimes ineffective. The more structured sentences, such as probation orders through which offenders have social work support and are linked to the appropriate services that they need, can be more effective.

**Margaret Smith:** I would like you to expand on that. How important is it to join up community sentences with the work of other agencies? For

example, how important is it that work in the criminal justice social work department links with some of those other problems that affect the individual, such as housing and education?

**Dr Loucks:** It is extremely important, because many issues surround a person's offending. Usually, the offending is not the result of one problem such as addiction, housing or employment; it is often the result of a combination of those problems. Therefore, the work must be fluid and joined up. There are benefits from the links centres that have been created in prisons, which bring in a number of agencies from different areas to link them, ideally, with the same or sister agencies outside.

**Margaret Smith:** In your written evidence to the committee, and just now, you stressed the importance of targeting programmes to the individual. We have heard about some of the better examples of programmes for preparation for release and induction schemes that involve families. Should those programmes be targeted or should they be available to everybody? What do you think about the preparation-for-release schemes that are available?

**Dr Loucks:** I think that they are very varied. They should be available to everyone who needs them, although that raises resource issues. The tendency is to focus on people who have been inside for longer, because there will be a greater need for them to adjust gradually back into society.

It is extremely important for people to be able to make that transition on the basis of their needs. That takes careful assessment and not everyone will need the same sort or extent of resources. The issue is not only about ensuring that people can be directed towards the appropriate agencies outside; ideally, it is about ensuring that those services are available to them when they need them. A number of families of offenders have told me that, although the offender who is coming out of prison has been assessed as having a need for, for example, contact with a psychologist because they have mental health issues, they have not been able to make contact with one for up to a year after their release, in which time they have offended again. We have to ensure that such services are available. That is not just about assessing, identifying and targeting those needs; it is also about ensuring that they can be addressed.

**Margaret Smith:** Do you agree that it is important that offenders keep links with their families, as that can have an impact on reoffending rates? Do you also agree that there is an important role for family contact officers in prisons?

**Dr Loucks:** Very much so. I am a big advocate of that. Some research has shown that the chance

of reoffending is up to six times less when someone has been able to maintain ties with their family. That was fairly early research from the United States, but subsequent research in the US and the UK shows that there is a reduction in reoffending when people are able to maintain family ties.

That is a commonsense approach. People who have family ties are more likely to have a place to live when they get out than are people who leave prison not having maintained those ties. They are also more likely to have a place to work and social supports available to them. The frightening reality is that about half of prisoners lose contact with their families when they enter custody. That is what the social exclusion unit in England and Wales found out two years ago—the National Association for the Care and Resettlement of Offenders has done some work on that as well. The Prison Reform Trust has just finished some research, which will be launched in February, on the role of the family contact officers. That role is central in creating a liaison between prisoners and people on the outside. In England and Wales, that liaison takes place primarily through visitor centres, of which there are only two in Scotland. Personal officers do not really fill the important role that is played by family contact officers. The prisoner has contact with the personal officer, but the family may have no idea who that officer is.

The role of the family contact development officer—the FCDO—is important at every stage of custody, not just for long-term prisoners. Even in open prisons where people have fairly open contact with their families, FCDOs have been extremely influential in helping people to make the transition back into the family, which they often find surprisingly difficult. Obviously, there will be exceptional circumstances in which that is not appropriate—for example, if family members have been the victims of the offence or if there is a violent relationship. The family should make that choice, but they often do not have enough contact with the prisoner to enable them to do so.

**Marlyn Glen:** We are talking about targeting specific groups and you say that there is an excellent induction programme at Cornton Vale prison. To what extent is the opportunity for rehabilitation sensitive to the needs of women prisoners, young people and those from ethnic minorities?

**Dr Loucks:** More effort is going into assessing the needs of women at Cornton Vale. The present governor is active in encouraging that, as were the past governors. However, not many tried-and-tested programmes are designed specifically for women. Even the assessment systems are designed for men and adapted for women. For example, anger management programmes are all

designed for men and adapted for women. Many of the cognitive skills programmes and other basic programmes, such as parenting, were often designed for men and adapted for women rather than being designed specifically for women. That is changing, but the change is very gradual.

We certainly do not see much work being done on ethnic minorities in Scotland. Again, that is because there have not been very many such prisoners. When I did my research at Cornton Vale, there was only one person from an ethnic minority in the prison. It was therefore difficult to design specific programmes or to generalise from her experiences. More work is being done elsewhere in the UK because there is a higher proportion of ethnic minorities in England and Wales. We in Scotland need to be aware of the issue and of the fact that the numbers might be increasing.

**Marlyn Glen:** I always think that if we were to examine the needs of individuals, instead of just generalising all the time, that would cover a lot of the problems.

How effective is the SPS at meeting the needs of vulnerable groups such as suicidal prisoners, prisoners with a drug addiction and those with mental health problems?

**Dr Loucks:** The SPS is working much harder at dealing with issues such as addiction. It has a well-developed set of programmes and co-operates with outside organisations in dealing with addiction, because addiction causes many problems for people when they are in prison as well as when they are outside prison.

The SPS has also been working hard on suicide and self-harm. Through the act of care strategy, people are thoroughly assessed, observed and assisted with their needs. That obviously needs to be monitored to see how it is going. Such issues are always a concern, because the prison population is extremely vulnerable, particularly people who are withdrawing from drugs.

There will always be a gap in provision for mental health in prisons because people are sent to prison when it is not clear what the best option is for them. People might develop mental health problems once they are in custody. People who are mentally ill when they are sentenced but were not mentally ill when they committed the offence will often be sent into custody. Prison is not designed to deal with people who have mental health needs, but a high proportion of the people who are in prison have such problems or develop them while they are there. Much more attention needs to be focused on that.

**Marlyn Glen:** How does the SPS meet the needs of sex offenders and violent offenders?

**Dr Loucks:** That is not something about which I know quite so much. I know that the SPS has a fairly wide range of sex offender treatment programmes, which have had a reasonable amount of success. Sex offenders and violent offenders are a diverse group; they do not form one homogeneous group. That makes it difficult to come up with treatment programmes that can deal with all the various types of offender. However, the SPS has been able to address varying types to a certain extent. It has a sex offender treatment programme that deals specifically with people who have learning disabilities. The service is dealing with different sentence lengths and different levels of risk and so is beginning to design programmes that address the various needs.

**The Convener:** I am going to call Margaret Mitchell to ask her questions. Margaret, could you condense your questions, as we have to finish shortly?

**Margaret Mitchell:** Dr Loucks, I note that your paper says that it is possible to replicate good practice if the will exists in local circumstances. Could you expand on that?

**Dr Loucks:** There are several examples of good practice outside the UK but there are also some within Scotland. For example, Tayside is beginning to develop strong links between the social work services inside and outwith Perth prison. As long as we are aware of what the good practice is, we can replicate it elsewhere, although adapting it to local circumstances is a bit more difficult.

**Margaret Mitchell:** Is there a resource issue with staffing levels, for example? I noticed that you mentioned Longriggend, which was delivering for short-term prisoners, even if it was just delivering education.

**Dr Loucks:** For many of those programmes there is an issue with resourcing. However, that is not always the case. The co-operation between social work services inside and outwith Perth prison is not a resourcing issue so much as a logistical, organisational issue of being able to meet each other to try to address the needs of prisoners in custody and on release.

There are resource implications for delivering more programmes and opportunities to short-term prisoners and remand prisoners. At the moment, those people do not do very much. They cannot take part in education or work. Such prisoners will either require more spaces to be available in prison programmes and/or more prison staff to help to deliver the programmes.

**Margaret Mitchell:** Do staffing issues such as absences due to illness affect the ability to deliver programmes?

**Dr Loucks:** Very much so. If not enough staff are available to run the landing on a day-to-day basis, the classes, programmes and work will be shut.

**Margaret Mitchell:** Contingency plans should be in place and the situation should be managed.

**Dr Loucks:** Yes, to cover staff sickness and overcrowding—the more prisoners there are in the prisons, the more difficult it is for people to take part in the available programmes.

**Margaret Mitchell:** That is helpful, thank you.

**The Convener:** I thank Dr Loucks on behalf of the committee. Her evidence will be valuable to our inquiry.

Our final witness will be the Deputy Minister for Justice. We will take time to grab a coffee before he arrives.

12:16

*Meeting suspended.*

12:19

*On resuming—*

**The Convener:** I welcome our final set of witnesses today, including Hugh Henry, the Deputy Minister for Justice. I am sorry that we kept you waiting, minister. Our other evidence-taking sessions took longer than expected. I understand that a change has been made to the officials who are accompanying you today, so perhaps it would be better if you do the introductions.

**The Deputy Minister for Justice (Hugh Henry):** Yes. I am accompanied by Derek Gunn and Sharon Grant from the Scottish Executive and by Alec Spencer, Roisin Hall and Ed Wozniak from the Scottish Prison Service.

**The Convener:** We are delighted to have all of you at committee. We will move straight to questions.

**Mr McFee:** In your opinion, minister, what is the purpose of imprisonment?

**Hugh Henry:** There are two aspects to imprisonment: punishment and protection. People who have committed a crime that is deemed to be sufficiently serious need to be removed from the community. If someone has committed such a crime, there is also a concern for public safety and protection. By removing the person from the public domain, some protection is afforded to the community. The wider debate concerns what happens to someone during the time that they are in prison. I am in no doubt that the committee is giving consideration to the issue.

**Mr McFee:** How would you define rehabilitation?

I put the question to our other witnesses this morning—indeed, I think that we have now asked the question of 20 people and had 21 different answers.

**Hugh Henry:** The definition of rehabilitation might be better coming from professionals and experts. From the political perspective, however, rehabilitation is about preparing someone to be reintegrated into society. Rehabilitation helps them to address some of the difficulties that they might face in their lives and to ensure that they are capable of adjusting into society again in a safe and—from the perspective of the prisoner—effective way. It is about preparing people to return to society and providing them with the personal and networking support that will help them to make a better adjustment to society.

**Mr McFee:** What are the challenges that you have identified the Scottish Prison Service will face in the delivery of rehabilitation programmes?

**Hugh Henry:** The way in which ministers see the issue, and the concerns that Cathy Jamieson has articulated in recent months as part of our debate on reducing reoffending, is that the Scottish Prison Service is but one part of the spectrum of rehabilitation. Clearly, work needs to be done with people who are in prison in order to reduce the potential for them to reoffend when they leave prison.

Although some of the work may or may not be deemed to be effective—depending on how it is looked at—our worry is that, if it is not followed through properly, its value can be lost. That can often happen when someone comes out of prison and goes back into the community, even where effective work is done.

We believe that, if we ask the Scottish Prison Service to address rehabilitation in a number of ways, it needs to have a system that, to a certain extent, is seamless. We need a system that allows follow-through when someone returns to the community. That is why we have put so much emphasis on the need for an integrated structure for reducing reoffending.

**Mr McFee:** Is the difficulty in the main what happens when the person leaves prison, as opposed to the difficulties that the Executive has identified in the prison setting?

**Hugh Henry:** Not always, but that is one of our major concerns. Our other problem is rehabilitation for those who are in prison on short-term sentences, when there is often insufficient opportunity to address some of the problems that those individuals might have. The question of rehabilitation and rehabilitation programmes is complex; it is better left to professionals. Clearly, whereas there is a need for some people to undergo intensive programmes, other people

might not require them. Whatever happens, we must ensure that the work that is carried out in prison can be sustained when the individual leaves prison and goes back into the community. Even when some of the very effective programmes that are on offer in prison are carried through, that does not mean that the person will successfully reintegrate into the community and avoid reoffending if other work is not done when they leave prison.

**Margaret Mitchell:** A recurring theme that has arisen in the evidence that we have taken is the effect of budget restraints on the delivery of programmes. Her Majesty's chief inspector of prisons told the committee that the savings that SPS prisons have to make in forthcoming years will certainly in time have an impact on the conditions and treatment of prisoners. The evidence that we received from the Association of Visiting Committees for Scottish Penal Establishments is that the 5 per cent cuts in governors' budgets will impact on staffing levels. In view of that, how will you ensure that resources are being targeted on rehabilitation programmes?

**Hugh Henry:** How the chief executive of the SPS and in turn the governors use the resources that are allocated to them is a matter for them. We want more effective systems to ensure that the Scottish Prison Service is held to account. That has been part of our deliberations on reducing reoffending. We want better accountability and we want to ensure proper integration of services and adherence to an integrated delivery plan.

The other point that we must all recognise is that if we continue to put more people into prison—and put them into prison for longer periods—that has implications for the Executive. We must either take money from other services—whether health, education, housing or whatever—to support an increase in the prison population or there might have to be cuts within the service to cope with the added cost of the increase in the prison population.

We are investing more in the Prison Service. We invest on average £1.5 million per week on upgrading the prison estate and we have committed resources to build two new prisons. It would be foolish of us not to take steps to ensure that those who do not need to go to prison do not do so, but equally we must recognise that we have a responsibility to ensure that those who need to go to prison and need to serve suitably long sentences are properly catered for.

Part of that responsibility is to ensure that there is adequate security so that prisoners are kept in prison safely and do not have the opportunity to abscond. We also recognise that we have a duty and a responsibility, not only to the individual prisoners but to society as a whole, to ensure that

prisoners who will come out of prison at some point are properly prepared for that.

Those issues inevitably mean that we have to reflect on the budgets that are made available. How the budget is used operationally, on a day-to-day basis, is a matter for the SPS. I do not know whether you want to ask any specific questions of the SPS officials or whether you want to leave it at that general comment.

**Margaret Mitchell:** How are the 5 per cent cuts that the governors have to consider being achieved?

**Alec Spencer (Scottish Prison Service):** First, we are charged with providing value for money. The minister has made that clear. Secondly, the savings, as they are called, are not savings that are returned to the minister and to the taxpayer; the savings are not real cuts in the running costs of the SPS. We are trying to save from the operating costs that we currently spend through prisons so that we can reinvest in further capital build, in the wages settlement that we have just offered the unions and, as far as I am concerned, in the rehabilitation programmes of the SPS. For example, this year we have had to put increased money—about a third of a million pounds more—into education to increase the number of learning hours that we deliver. We have also had to increase the amount that we are investing in pharmaceutical drugs—methadone programmes and so on—and doctors' costs. We are not taking money out. We are asking governors to try to find savings where they can, so that that money can be reinvested in the areas that are important. We are talking about reallocating resources in the Prison Service to get best value.

12:30

**Margaret Mitchell:** I want to press you on that point. You say that you are examining operational costs. If savings are reflected in staffing and you fail to make contingency plans for holidays and the sickness that inevitably happens, will they not automatically impact on your ability to deliver rehab programmes?

**Ed Wozniak (Scottish Prison Service):** One of my responsibilities over the past two or three years has been to implement in the Scottish Prison Service the requirement to introduce performance contracts, which was placed on us by the previous Minister for Justice. The two essential planks of those contracts, copies of which we can make available to the committee, are compliance with operating, security and health care standards, and 35 performance measures. The measures that the committee would view as relating to rehabilitative programmes—programmes for addressing offending behaviour, improved

activities and prisoner learning hours—include year-on-year targets for improvement. The committee can be assured that there is evidence of the effort that the SPS is putting into those programmes, perhaps by taking resources from other areas in which there is potential for savings. Rehabilitative programmes are not likely to suffer as a result of the introduction of performance contracts.

**Margaret Mitchell:** How does that square with the evidence that we have heard that, time and again, rehabilitation programmes are not being carried out because the staff are not available? For one reason or another, there is a shortage, which suggests that there is no contingency planning or that inadequate staffing resources are being invested in the operational side of things.

**Ed Wozniak:** In 1996, we introduced a system of programme accreditation for the very reasons that you have outlined. A member of staff would commence a programme with a group but would be removed from it because of an escort requirement. As a consequence, the impetus of the programme would be lost. The notion of the importance of rehabilitation to the SPS went down several rungs of the ladder. Accreditation makes that impossible. We now have a site accreditation and implementation process that ensures that programmes are delivered session by session. However, if I had been sitting here in 1996, I would have agreed with you.

**Margaret Mitchell:** Can you explain how accreditation works? We visited Glenochil prison and saw the superb paint shop, which had no one in it because staff were sick. How does accreditation cover such staff shortages?

**Ed Wozniak:** Accreditation covers only those programmes that address offending behaviour. It is carried out by a group of external experts. At the moment, that work is being done both in the SPS and on the community justice side. From April next year, the two processes will be aligned. Accreditation involves examination of the basis on which a programme is designed and determining whether it follows the best available research evidence. That decision is taken not by SPS officials, but by a number of people who have experience in programme design, evaluation and accreditation systems external to the SPS.

We are also in the business of examining implementation and how programmes deliver on a daily basis. We consider a variety of issues: whether staff are trained properly, whether prisoners are made aware of programmes and whether programmes are delivered as they should be. Copies of the accreditation manual can be made available to the committee. We have staff who routinely go into each jail to audit programmes. However, I agree with you about workshops, which are not covered by the process.

**Margaret Mitchell:** In view of those comments, minister, are you satisfied that adequate resources are available?

**Hugh Henry:** I believe that we are resourcing the Scottish Prison Service adequately. I return to the point that I made earlier—if we continue to send more people to jail, we will need to consider whether resources need to be increased correspondingly. That takes us back to the more fundamental debate that we are keen to have about whether people who do not need to be sent to prison are being sent there, whether the sentences of those who are imprisoned are long enough to reflect the seriousness of their offences, and what is being done to rehabilitate those people when they are nearing the end of their sentence and are about to return to the community.

**Margaret Mitchell:** With respect, minister, that does not cover the staffing issue.

**Alec Spencer:** Can I just make three points? First, members are aware of the new contract for escorting duties. Part of the problem in the past was that all escorts of prisoners from prisons were undertaken by prison staff. The demands of those duties were variable and programmes and industries and so on were often soft touches, in the sense that staff were taken away from programmes to meet the demands of court escorting. As a consequence, programmes, industries and education services closed down. The situation is changing because the duty of escorting to courts has been passed over to the new contract, and internal and hospital escorts are gradually being passed over. In the future, some of the problems should be reduced.

Secondly, we have a target every year for the number of programmes and approved activities, which at present is set at 1,500. I assure the committee that governors are on course to deliver and exceed their targets. Despite the high numbers and the complaints about staff shortages, governors are delivering.

Thirdly, we complement establishments, which includes a variable for sickness. An additional element is built into the staffing resources for establishments. However, sometimes many people decide to be off. We cannot endlessly resource organisations for every eventuality—we must provide a reasonable amount of resource. We think that the amount that we provide is right, given that governors are delivering programmes, that we have a certain amount built into our complement for staff sickness and that we have taken the brave initiative of passing escorting duties to others so that prison officers can get on with the business of dealing with prisoners, which they were not allowed to do before.



**Hugh Henry:** Margaret Mitchell asked whether I believe that sufficient resources are provided. The answer is yes; sufficient resources are given for the current requirements. We will have to reflect on what the future demands might be. We can demonstrate with factual evidence how the requirements are being met. However, as in any other walk of life and as Alec Spencer said, from time to time unforeseen sickness can cause disruption to the way in which organisations work. The contingency measures that we have built in and the priorities in those measures are appropriate.

**Margaret Mitchell:** Perhaps the benefits from the Reliance contract have not yet kicked in, but we heard about a distinct lack of contingency planning in evidence from various people. I hope that the benefits will kick in. We cannot examine the issue to the  $n^{\text{th}}$  degree, but at present, the reality does not match the rhetoric.

**The Convener:** Your evidence is that many of the steps that are being taken to free up time and address staffing levels have yet to take effect.

**Hugh Henry:** That is partly our evidence. In part, we are saying that we have provided adequate resources and that we can prove that all the commitments and targets that have been identified are being addressed. We believe that the other steps that we have taken to free up the time of the professional staff in prisons to do the job that they are employed to do are beginning to take effect. In the fullness of time, we will see the benefits of those measures.

I refute Margaret Mitchell's suggestion about a lack of contingency planning. The Scottish Prison Service has taken steps to ensure as smooth an implementation of the new contract as possible. We should not underestimate the complexities of the changes that have been brought about. However, any criticisms that might be made of the implementation of the Reliance contract are completely separate from the issues that relate to the committee's inquiry.

**Stewart Stevenson:** To give context to my questions, I point out that I am a strong supporter of programmes. I will ask three questions, because I suspect that they can be answered together.

First, how are you assessing the outcomes of programmes that are geared towards rehabilitation and reducing reoffending? Secondly, to what extent is the success of those programmes dependent on what happens after prison? Although our inquiry is strictly into programmes in prison, it is appropriate to recognise that what happens after prison has some relevance to their outcomes. Thirdly, who is accountable for the success or failure of programmes? Whose career

suffers if the investment of time, money and emotional energy in this area does not bear fruit? I ask that question in an operational sense, as you would be in the firing line if there were to be a policy failure.

**Hugh Henry:** I will ask my officials to answer your first question but, first, I will respond on your second and third points.

You asked whether what happens after the prisoner is released has an impact on the outcome of the programmes; that relates to the point that I made earlier. We believe that, if we are to reduce reoffending, there has to be some consistency of support for the person and that, once they have been prepared for release, they should not simply be left in inappropriate circumstances in which they are vulnerable to the influences that led them to offend in the first place. We believe that there must be better joining up of what happens in prison and what is then provided in the community. That is why we put a great deal of emphasis on the integration of services and on following through programmes after people are prepared for release.

Our view was that there was a clear need for an integrated approach to service delivery. We believed that having one agency that was responsible for all that would probably have been the best way in which to proceed. However, we have been persuaded by the arguments that, by separating out the strategic and the policy areas, we can have, at national level, an integrated service for examining what happens in prison and outwith prison, chaired by the minister. In an organisational sense, we have been persuaded that staff could be left where they are, both in the community and in the SPS. We will give that an opportunity to work, but we are clear that we cannot continue to have a fracture between what happens in the prison and what happens on release into the community.

In terms of accountability, from an operational perspective, we were clear that there was an inadequacy. No one was prepared, at community level, to have responsibility for reducing reoffending. We have said that the new community-based authorities that we are setting up will have a clear responsibility for drawing up plans for reducing reoffending that will include supporting released prisoners in the community. They will be held to account for what happens in their area. They will also be accountable for drawing up appropriate plans to show the integration of work with the SPS in their area.

That means that, in a given area, it will no longer be the case that the SPS is responsible for what happens in prison and social work is responsible for what happens in the community, with the twain never meeting. The SPS will be expected to

demonstrate how it will support community-based services in helping to reduce reoffending in the community. We will expect the community-based authorities to have responsibility for operational matters in their area. Similarly, we will expect the chief executive of the SPS to have operational responsibility for what is delivered in prisons. However, we will expect both parties to work together to deliver to the minister and the new national framework a clear set of targets and plans that will be monitored by the minister. The minister has indicated clearly that she intends to seek powers to intervene if either of those aspects is failing.

12:45

**Stewart Stevenson:** I can see Mr Spencer itching to talk about measurement but, before we come to that, I take it that you are saying that you will move people who are ineffective in delivering effective rehabilitation and a reduction in reoffending.

**Hugh Henry:** We have accepted the proposition that was put to us by a number of organisations, including local authorities, that the responsibility for service delivery should be left to them at local level. We intend to set up a new authority with specific responsibility for that. It will have an input from local authorities as well as others. The staff will still be employed by local authorities, but they will be contracted to deliver specific services to the new authority at local level.

If local authorities fail to deliver to that new conglomeration in their areas, we expect the new community justice authority to take steps to remedy the lack of service delivery. However, if at a strategic level the new criminal justice authority were failing to deliver the commitment that had been made, at some point we would take action. The authority will have local responsibility, and it will be held to account for it. In the exceptional case in which it fails, the minister will take action.

It is right that we allow the new structure time to prove itself. We hope that the commitments that have been made to us by a range of organisations and agencies will be met. I look forward to seeing more effective work on reducing reoffending because, as I am sure you will agree, our record in this country is not good.

**Stewart Stevenson:** Could I have some feedback on measurement? You say that our record is not good, but we are not entirely comfortable that that is backed up either way with objective information.

**Ed Wozniak:** First, there is no measure of reoffending. At best there is a proxy measure, which is either reconviction or return to custody. Self-report studies are no use; no such study has been worth the paper on which it was written.

We have got our act together in Scotland. We got our act together in the Scottish Prison Service over the past five or six years. It is no accident that people consistently come from other jurisdictions to see how we deliver programmes. They would not have come here 10 years ago. We delivered programmes by putting sheets of paper on walls and saying, "Do you want to come to an anger management programme?" When we started to do work in the mid-1990s, we discovered that we had 14 different anger management programmes. Some offenders had been on nearly all of those programmes, because there was no systematic targeting of risk and need. In the past five or six years, we have got there. We must ensure that we do not slip back, but we have got there.

We take a tripartite approach in measuring effectiveness. The first is the proxy. What short-term change takes place in the individual? We have psychometrics in place. I think that the committee was given the results of those short-term evaluations. There is another proxy. It is one thing for someone to change how they complete a questionnaire, but it is another to ask whether their behaviour has changed. We use proxies such as governors' reports and changes in security category. However, the real rubber hits the road when an individual returns to the community. Are we going to measure the person who fails—that is how it is perceived—by securing a reconviction? Of course we will be asked to look at that, and we will collect information, the results of which will emerge next year. However, I would argue that measuring a reduction in the severity of offending or measuring a change in offending is an unsophisticated assessment of whether programmes work. For example, a paedophile could leave Peterhead prison and go on to break into a house. I am not saying that the potential victim of such a crime should not be protected, but it is a dashed sight better for a safer Scotland if a paedophile commits only that kind of crime.

I note that the committee's specialist adviser is at the table. Two weeks ago an expert from down south visited her and the day previously I, too, had such a visit. Desistance—how a person gives up doing what he does—is a remarkably difficult thing to achieve. Desistance is not an event or a black and white, on-off switch. Offenders return to the communities from which they came and such communities contributed largely, along with the individual characteristics of the offenders, to their being in prison.

**Stewart Stevenson:** In the research bulletin on the evaluation of the anger management programme, graph 5 is on governors' reports, to which Mr Wozniak referred. The analysis of the graph makes the point that, although there is improvement at the one-month follow-up point and, I think, at the three-month point, at

"the 12-month point the number of Governors' Reports had almost returned to baseline levels."

In that context and in parts of other papers that we have before us, I see conflicting views of what is happening in the programme. Are you satisfied that the programmes are delivering? The governors' report measurement is done wholly within a controlled environment. The more realistic and important assessment of what happens once people are back out in the community is not made. Is that a warning sign?

**Ed Wozniak:** It probably is. To be honest, the jury is still out on the programmes. We have put a huge amount of faith into trying to address offending behaviour. However, we must be realistic and accept that we can do only so much work. At the risk of being sycophantic, I must say that the first question that we were asked was the right one: what is rehabilitation? It is the putting back on of the garb of citizenship; I am sure that Latin scholars will be aware of that. It is the community that puts that garb back on and that seems to me to be the crucial point. Part of that community is a prisoner who has gone through an anger management programme. Let us be honest about the culture and subculture that a prisoner goes back to. In taking a person who has solved every problem for 30 years with violence and, in the space of 20 weeks or 12 sessions, starting to turn that person round, we all face a remarkably difficult task. That is the challenge that we set ourselves. It is not easy and I am not 100 per cent sure that it can be done. I would love to say that my leap of faith is that the programmes will work.

**The Convener:** I agree with what you have said, but we must therefore do a lot of work to get the majority of people away from the idea that we are measuring the offending. That is what worries me about the debate. I believe that the majority of people underestimate the job that the SPS has done in this area. Margaret Mitchell was right to pursue the staffing question but, leaving that aside, I recognise that the SPS's role is changing and that it faces overcrowding problems, which must be resolved before we can achieve anything. However, there must be a sense of realism in the debate about what we are doing. How do we make real to people the application of what you have said?

We are dealing very much with generic issues, but we know that offenders are not a generic population. For example, not all housebreakers are the same, because some are violent, and people who have served short-term sentences have been reconvicted of violent offences. I wholeheartedly support the joint approach, but how do we apply it in different cases? For example, where does joint management kick in for a persistent offender who is convicted for the use of a weapon

during an assault, which might otherwise have put him on the borderline of a short-term sentence?

**Hugh Henry:** There would be concern if an assumption were made that everyone who is in prison requires a standard package of programmes and measures. I think that the point that you are driving at is that prisoners are individuals who have different circumstances and needs and should be considered as such. Two people who are in prison for the same offence might be prepared for release into society in completely different ways. It is critical that we assess offenders' requirements and ensure that the appropriate available measures are put in place.

On integration, it would be foolish and an utter waste of our resources to imagine that during the time that an offender attends a programme they will be transformed into a model citizen who can be released into the community without worries. If a person goes back to being homeless or returns to an environment in which violence or access to alcohol and drugs is the norm and we have not given them the capability, strength and wherewithal to detach themselves from that environment, they could easily be sucked back into offending.

On the assessment of the needs of different individuals, I do not know—

**The Convener:** The most important thing is that an offender should be dealt with as an individual, which is the key change. However, should we move away from trying to measure reoffending? All that we can do is believe that we are tackling the problem in the right way. Community sentences fail too, although we believe, in general, that they represent a better alternative to prison. Perhaps community sentences fail for the same reasons as prison sentences do. All that we can do is put in place the measures that we think will help a person to change their behaviour, if they are going to change it. Sometimes people will not change their behaviour.

**Hugh Henry:** Even if you and I were to stop trying to measure what we mean by reoffending, others would use a variety of methods to seek statistics that enabled them to run stories and prove that reoffending is happening. People would examine the reconviction rates. Ed Wozniak talked about proxy measures and other ways of determining whether reoffending is happening. However, we can examine certain factors and conclude that we should be doing better. Community disposals are probably more effective for some offenders—I emphasise that I do not mean for all offenders—than are prison sentences. As you said, there is a failure rate for community disposals and some people reoffend after serving sentences in the community.

Compared with people in other countries, people in this country are more likely to reoffend and go back to prison after serving prison or community sentences. We would be measured against such indicators even if we did not want that to happen, and the statistic requires us to take action. Why do some jurisdictions have a greater success rate? Are their sentences more effective? Are their support systems different? Are they putting a different category of person in prison? Are people being released into a society that is different from ours? Complex factors need to be considered.

Your point about the need to assess an individual's requirements is critical, because if we were simply to put everyone who is convicted on a programme we would waste valuable resources. Roisin Hall might want to comment on that.

13:00

**Dr Roisin Hall (Scottish Prison Service):** It is a question of definitions. We must define what we are trying to do and the appropriate people with whom we should try to work. Assessments in the prison service have become much more sophisticated. We consider an individual's range of needs in relation to offence-specific issues and offence-related issues, which might support the offending behaviour. That determines the types of programmes that will be introduced.

The type of anger management programme that we are working on is very different from the one that is currently in existence. The range of sex offender programmes has also developed considerably and we have introduced instrumental violence programmes, so we are becoming a bit better at targeting specific needs. We can show changes in individual areas, but that does not necessarily mean that someone becomes a totally changed person. They may be able to develop different changes, but we have to take a more holistic approach. A programme certainly needs to offer support. We know that we can change somebody's behaviour psychologically, but if we want it to generalise to a different situation, a lot more support will be needed.

**Mr McFee:** I would like to take a wee step forward, bearing in mind the minister's definition of rehabilitation, which included preparation for reintegration to society. Do you consider that prisoners have adequate opportunities to improve their literacy and numeracy skills, and do you believe that issues such as literacy and numeracy should in many cases be addressed before we look at behavioural skills?

**Hugh Henry:** That is a judgment that is best left to professionals and to people who have educational and psychological backgrounds. I am not sure that that is a political judgment; I am not

persuaded that politicians should tell people who are better placed than them that they should change the balance and place more emphasis on reading and literacy than on other aspects of rehabilitation. There are, however, still unfortunate circumstances in which we know that people with such specific problems are more likely to end up in prison, never mind our having to address those problems in prison. It is clear that much more work needs to be done to address some of the educational and social problems that individuals face from a very early age, as well as to address the wide range of emotional and personal circumstances.

I am not sure whether it is better on balance to address reading and writing than it is to address other aspects. I talked earlier about individual assessment; it is probably a matter of trying to work out what will best enable an individual to cope, and of putting in place a package of measures that will help the individual to cope on release.

**Mr McFee:** I accept entirely your answer to the second part of my question. Prioritisation of programmes is a judgment that is to be based on individuals. However, do you accept that there is a deficiency in the system with regard to prisoners being able to gain reading, writing and numeracy skills?

**Hugh Henry:** That would not be my assessment. There may well be weaknesses in relation to some individuals in some circumstances, but I would leave it to Scottish Prison Service staff to respond to that.

**Alec Spencer:** I suppose that the short answer is that we could always do more of everything. We could always try to provide more education, more addictions assistance, more medical interventions and so on, but I am not sure what the function of prison would be in that case. Prisons are not schools, although we certainly try to provide education. We have a target this year of providing 350,000 hours of education, which will increase, and we are going into a new learning, skills and employability contract, which will deliver more. We shall spend £500,000 on that new contract on top of what we currently spend. We are trying to put more resources into education because it is important for helping people to cope in society. It is important for health reasons, because people need to read the instructions on prescription bottles. Education is an important part of prison services, but it is also a societal problem. Prisons do not exist purely as an educational service; we must provide a wide range of support mechanisms.

Stewart Stevenson asked who is accountable for the success or failure of programmes. I would love to be accountable for people not offending but—as

we know—it is a joined-up process and the bits that we do are but part of the solution. The minister is right that it is about providing tools for offenders who want to give up and desist from offending. Education, addiction services and employability approaches are all tools that might be part of the final solution. This is an issue not just for the SPS, but for society: it is about linking people into services, linking them back into the community and thereafter it is about their continuing the process. Part of our educational response is about trying to provide links to colleges and educational services in the community so that, when people leave prison, they can continue with education.

**Mr McFee:** Within the current system, is there sufficient and reasonable access to numeracy and literacy programmes?

**Alec Spencer:** I have tried to say that the demand is endless and that everybody would like to do more—quite a lot of prisoners would like to do more. From the social exclusion unit's report "Reducing re-offending by ex-prisoners", which concerned England and Wales, we know that many people who come into prison have literacy and numeracy deficits, mental health issues, addictions and problems with employability, all of which we need to address. I am sure that we could do more for all prisoners in all those areas, but we must strike a balance.

**Mr McFee:** I understand what you say; it is always the case that everybody can do more of everything, but I am trying to press you a little further. Is it your contention that access to such provision is reasonable?

**Alec Spencer:** I will put it this way—in about six months, we will introduce a new contract with increased resources. Other witnesses have talked about our introducing individual needs assessments; each prisoner, whether short term or long term, will have one, which will enable us to aggregate needs. When we match information on what prisoners need with provision, we will find out whether demand exceeds supply and whether we need to come back to ministers to ask for more resources.

**Mr McFee:** So, it is a case of our not quite knowing because we do not have the raw data.

**Alec Spencer:** That is part of the problem.

**Ed Wozniak:** The best that I can give you is a study that was done in Polmont young offenders institution, which showed that some 11 per cent of entrants to Polmont were illiterate. I go round every prison and every prisoner in Scotland once a year and give out questionnaires, something like 10 per cent of which come back spoiled because of literacy problems. However, we must get that in perspective: the vast majority of prisoners are able

to pick up a *Daily Record* and read and comprehend it.

**The Convener:** Why, in that case, did Polmont issue figures to us that suggest that the illiteracy rate is much higher than that? I would say that it was nearer 40 per cent.

**Ed Wozniak:** It is a question of definition. We talk about our having a higher return-to-custody rate than most other European jurisdictions, but some of that is down to how we measure it and what is included in the equation. I am not for a second saying that there are not lots of young and old people who have literacy problems. However, getting people to admit to those problems is often one of the biggest difficulties. Shirley Johnston, who worked in education, did a study at Polmont, which showed that the illiteracy rate there was 11 per cent.

**Mr McFee:** I am somewhat surprised at that figure of 11 per cent, given the evidence that we have received.

**Ed Wozniak:** That was the figure for those who were illiterate, as opposed to those with learning difficulties. That is where we get into definitions.

**Alec Spencer:** The social exclusion unit's report indicated that, for example, 80 per cent of prisoners have writing skills and 65 per cent have numeracy skills at or below those of an 11-year-old child. It really depends on definitions.

**Mr McFee:** I contend that that figure of 80 per cent of prisoners with reading skills at or below those of a child of 11 suggests that prisons need to concentrate far more on literacy programmes. That is why I asked whether current provision is reasonable. Your response would perhaps depend on whether you base your answer on the 11 per cent figure or the 80 per cent figure that you have now given us.

**Dr Hall:** The answer is partly to do with what the person wants the skills for. In the selection process for the offending behaviour programmes, we examine the literacy level of anybody who is going on the programme to determine whether they will be able to do the homework and answer the questionnaires. Somebody who has a 10-year-old's reading level would be able to handle the questionnaires, although they might need some help.

We have geared our sentence management and our information leaflets at a reading age of 10 so, to some extent, we are gearing our work to the fact that we will be dealing with a fairly low level of literacy, although the offenders are not totally illiterate.

**The Convener:** Margaret Smith will ask the final set of questions. On the last point, I have written to Cathy Jamieson as a result of the debate that we

had in Parliament. I feel strongly that the Scottish Prison Service is picking up a lot of social issues about which it can do only a limited amount. I do not confess to have all the answers, but it seems to me that the Justice Department has to work closely with the Education Department. The figures to which Bruce McFee referred include figures for people who do not attend schools, which seem to be similar to the figures for those who cannot read or write. I do not suppose that you would disagree with that. It is crucial to recognise that we have to address the problem a bit earlier.

**Hugh Henry:** We do recognise that. You mentioned wider individual and societal problems, which are issues not just for the Scottish Prison Service. I said to Bruce McFee that we should as a society pick up some of those problems much earlier, but we must at some point return to what a prison is for and why people are in it. A prison is not a further education college. That touches on one of the questions to which Bruce McFee alluded: What are the benefits to society of our investing in an individual's education? If we can demonstrate that by going down that route we help an individual who is coming back into society to address their offending behaviour and to avoid going back to prison, we can say that it is a legitimate area to address.

A balance must always be struck in respect of the issues that need to be addressed in preparing an individual for release. I am clear that, although education is fundamental to much of our work, we are not sending people who have committed crime to a further education college; we are sending them to prison for a specific purpose. While they are there, we need to provide certain things to equip them for release, which might include allowing them to develop reading and writing skills.

**Margaret Smith:** One of the issues that have been highlighted as being important in terms of reoffending is how much family contact a prisoner manages to maintain. Do you see it as being compatible with the logistical issues that the SPS must deal with—in sentence management, progression to open prisons and overcrowding—that people should be kept in prisons that are as local to them as possible? In considering joint working and family contact, that is something that you should see as positive.

**Hugh Henry:** Margaret Smith takes us back to one of the key areas that we considered in relation to a new and integrated approach to tackling reoffending. She is absolutely right to mention keeping people close to their families and their communities; that enables the process of reintegration to happen much more smoothly and allows better contact between prisoners and families. That, in itself, could make a significant

contribution to the way in which an individual develops and behaves before and after release. For example, family contact is linked to some of the programmes that are available for helping prisoners—mostly men—to face up to their responsibilities as parents, to form non-abusive relationships with women, to communicate better with their children, to see that they have responsibility for the way their children develop, to spend time with their children, and to learn the value to young children of being read to and spoken to, rather than shouted at. All those things are very important in a child's development and in the development of the relationship between the prisoner and the family. Therefore—to return to your central point—the more contact that person has with their family, the better.

13:15

There are some very good reasons for removing people to certain specialist units. People who have committed sex offences are probably better dealt with in a specialist environment such as Peterhead prison. There are also requirements for high security for serious offenders, which might not necessarily be met in local jails. Nevertheless, I agree that it would be better if those who commit relatively low-level offences but who require imprisonment could serve their sentences nearer their communities to make their prison a more local one.

We want to develop the relationships between local authorities and prisons, so that people can serve their sentences in prisons that are close to where they live, and we have attempted to give local authorities more influence over what prisons do, and vice versa. It is important that we encourage and develop a model that allows that. That is not to say that the aim is to build a prison in every community justice authority area, but we should, where possible, minimise the disruption that is caused to families that want to maintain contact with prisoners. Family contact is very important in the rehabilitation process.

**Ed Wozniak:** Let me give some figures. We carry out a survey that was unique when we first did it, but which has since been emulated. We go into every prison and give each prisoner about eight pages of questions on how services are delivered. A large section of our report is about contact with family and friends. About 75 per cent of our prisoners have regular visiting contact with their families and friends, and about 90 per cent have contact by phone. Between 60 and 80 per cent of those people positively rate access to their kids, the way family contact is maintained in the prisons and the fact that they can rearrange visits. That is the one significant area of the survey—which we have been carrying out since 1990—in

which there has been improvement year on year. In some areas, such as health and hygiene, cleanliness and so on, prisoners' rating of services has fallen, but there has from their perspective been a consistent improvement in the way in which family contact is maintained in the prisons.

**Dr Hall:** Some innovative work has been done through short programmes of approved activities that address parenting skills, either for people who are serving long sentences and have to adjust to having remote control as a parent or, in the Polmont establishment, for people who are fathers at 17 or 18, and through the work that is being done by the education services on building up story-telling, which can be done through DVDs. Some remote-control parenting initiatives are being undertaken that are very exciting.

**Margaret Smith:** Let us move on to the proposed reforms in the Scottish Prison Service. First, the criminal justice plan states that the Scottish Executive plans to reform the framework of governance of the SPS in order to improve transparency and accountability. How do you see those plans being implemented? Secondly, the criminal justice plan also states that a national advisory body will monitor the Scottish Prison Service's performance on offender management. How will that be done?

**Hugh Henry:** Margaret Smith leads us on to a subject that, in itself, would be worthy of a full committee evidence session. Such scrutiny will no doubt take place as the plans are produced. At the moment, we can merely skate around some of the issues.

As far as transparency and accountability are concerned, in "Supporting Safer, Stronger Communities: Scotland's Criminal Justice Plan" we say that the changes will involve

"a new system of oversight within which SPS accounts publicly for its plans & performance to Ministers and Ministers account to Parliament;

revised delegations which ensure that decisions which have most effect on communities will be taken by Ministers;"

and

"a re-defined role for the Prisons Board".

We will produce further details on that in due course.

We also say that the reorganisation will fit

"the local dimension of integrated offender management"

and that all that will form part of the new arrangements, which will

"be set out clearly in a framework document which will be presented to Parliament."

The committee will have the opportunity to question ministers on that document.

Which aspect of the board did you want me to comment on?

**Margaret Smith:** My first point was about transparency and accountability; to some extent, you have answered that.

**Hugh Henry:** For the SPS.

**Margaret Smith:** The building of new prisons is an example of an issue about which there has been concern. I understand that you propose that ministers should take more control of such decisions than in the past. That will improve transparency and accountability in the decision-making process for the public.

My other point was about the national advisory body and its role in monitoring performance on offender management by the SPS, local authorities and the criminal justice boards.

**Hugh Henry:** It is crucial that the national advisory board, which will be chaired by the Minister for Justice, will consider both offender management in prison and offender management in the community. Clear plans will be drawn up and presented to the board and to the minister. Through that process, we will hold the relevant bodies to account on what they deliver, what they propose to deliver and how effectively they work with each other. It would be a denial of everything that we have attempted to do in the recent past if we were simply to examine the SPS's activity in isolation from what goes on in the community. A crucial part of our work will be to assess how parties on both sides produce proposals to work better with each other. We will spell out the detailed composition of the board in due course. We certainly want to ensure that a range of individuals and organisations are involved, including local government representatives.

**The Convener:** That ends our questioning. I thank the minister and everyone with him for their time. We have taken some good evidence, although I wish that we had had more time to explore further some of the issues. As we are getting to the end of our inquiry, I am sure that the minister will not mind if we pick up in correspondence some of the issues that have been raised, if we need to do that.

**Hugh Henry:** Certainly.

**The Convener:** We now move into private session.

13:24

*Meeting continued in private until 13:54.*





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