

# **JUSTICE 2 COMMITTEE**

Tuesday 19 April 2005

Session 2

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## JUSTICE 2 COMMITTEE

12<sup>th</sup> Meeting 2005, Session 2

### CONVENER

\*Miss Annabel Goldie (West of Scotland) (Con)

### DEPUTY CONVENER

\*Bill Butler (Glasgow Anniesland) (Lab)

### COMMITTEE MEMBERS

\*Jackie Baillie (Dumbarton) (Lab)

Colin Fox (Lothians) (SSP)

\*Maureen Macmillan (Highlands and Islands) (Lab)

\*Mr Stewart Maxwell (West of Scotland) (SNP)

\*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

### COMMITTEE SUBSTITUTES

Ms Rosemary Byrne (South of Scotland) (SSP)

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Margaret Smith (Edinburgh West) (LD)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Sue Brookes (HM Prison Cornton Vale)

Tony Cameron (Scottish Prison Service)

David Croft (HM Prison Edinburgh)

Bill Millar (HM Young Offenders Institution Polmont)

Alec Spencer (Scottish Prison Service)

### CLERKS TO THE COMMITTEE

Gillian Baxendine

Tracey Haw e

### SENIOR ASSISTANT CLERK

Anne Peat

### ASSISTANT CLERK

Steven Tallach

### LOCATION

Committee Room 1



## Scottish Parliament

### Justice 2 Committee

*Tuesday 19 April 2005*

[THE CONVENER *opened the meeting at 14:07*]

### Item in Private

**The Convener (Miss Annabel Goldie):** I welcome everyone to the 12<sup>th</sup> meeting in 2005 of the Justice 2 Committee. Papers for the meeting have been circulated, and all members should have received them.

I have received apologies from Colin Fox. Bill Butler is currently appearing before the Health Committee in connection with his member's bill, but I understand that he hopes to join us during the afternoon.

Agenda item 1 is consideration of whether to take item 5 in private. Do members agree to take that item in private?

**Members** *indicated agreement.*

**The Convener:** I remind members that we agreed at our previous meeting to take agenda item 6 in private.

## Management of Offenders etc (Scotland) Bill: Stage 1

14:08

**The Convener:** Agenda item 2 is stage 1 of the Management of Offenders etc (Scotland) Bill and, in particular, consideration of the written evidence that the committee has received. I remind members that yesterday, following a Social Work Inspection Agency report, the minister announced an audit of sex offender cases to ensure that sex offenders are subject to comprehensive risk assessments and that appropriate arrangements for supervising them are in place and are kept under review. Most members will be aware of that announcement. A hard copy of the report has been sent to me. It appears that other members have not received a copy of the report, but the clerks have informed me that copies will be circulated to members, as the report is clearly relevant to what we are considering. If there is any delay in receiving that, please let the clerks know.

I must thank the clerks for preparing an extremely helpful summary of the written evidence to date. Members have received copies of all the submissions. Do members want to comment on that written evidence at this stage? Do any questions arise on which people want to seek clarification?

**Members** *indicated disagreement.*

**The Convener:** Item 3 on the agenda is oral evidence for the purposes of scrutinising the bill. Members will be aware that we have two panels of witnesses before us this afternoon, and our first witnesses are representatives of the Scottish Prison Service.

On behalf of the committee, I welcome Tony Cameron, chief executive of the Scottish Prison Service, and his colleague Alec Spencer, who is director of rehabilitation. Mr Cameron, I am given to understand that you would like to make a brief introductory statement, which I am assured will take two minutes.

**Tony Cameron (Scottish Prison Service):** We look forward to helping the committee by answering any factual questions that we can. We strongly support the objectives of the Management of Offenders etc (Scotland) Bill as described in the policy memorandum. The Scottish Prison Service's primary interests in the bill are in the integrated management of offenders, including such matters as the joint arrangements for assessing and managing serious sex offenders, and in the home detention curfew proposals. We believe that speeding up and systematising joint working, as provided for in the bill, will improve the

performance of the criminal justice service. We do not believe that the status quo is as good as it could be.

Because the Scottish Prison Service is an agency of the Scottish Executive, the functions that we perform are legally those of Scottish ministers, so there are no references to the Scottish Prison Service as such in the bill. We work under a framework document that has just been altered to reflect the bill's proposals. That was published on 4 March. I sent a memorandum to the Finance Committee in response to a letter asking for written evidence saying that we believe that, on the basis of the bill's provisions as we read them, the broad order of estimate of cost would be up to about £2 million annually, with set-up costs of £500,000 to £600,000. We cannot assess the cost accurately until we know a number of things about the implementation of the bill, but that is our estimate on the basis of the bill as it stands.

We very much look forward to working with the community justice authorities and with local authorities in a joint attempt to tackle offending and to improve the protection that we provide to the Scottish public.

**The Convener:** Thank you very much, Mr Cameron. You have probably partially answered a question that I was going to ask about your submission to the Finance Committee. Quite simply, the question was about that estimated figure of £2 million. You say that you are reasonably content that that can be met within budget, although you point out that the budget for 2007-08 has not yet been determined. I am anxious to ascertain whether you have any budgetary concerns that you would wish to signal at this stage.

14:15

**Tony Cameron:** No. As you correctly point out, our budget has been set by Parliament up to 2006-07, but not beyond—that is true for the whole of the Executive, not just the SPS. Our turnover as a business is more than £300 million, which includes some capital. It is a considerable sum. The sum of £2 million is by no means small, but it is not a sum that we think we cannot find. That begs the question what our budget will be in future years, which I cannot say, but on the basis of the size of our organisation, and the current budget, those sums are manageable and can be found. We are making efficiencies in our operation in order to do a number of things, including that.

**The Convener:** My second question reaches out to one of the wider issues that you signalled in your submission to the Finance Committee. One of the purposes of the bill is to try to reduce

pressure on prison capacity. Have I understood your submission correctly? Do you feel that, over the longer term, any implementation of the scheme that is proposed in the bill would be unlikely dramatically to reduce the prison population in any one institution? You would instinctively see it more as perhaps a slight reduction in capacity over the piece.

**Tony Cameron:** That is a difficult question. For a long time, statisticians in the Executive have produced prisoner population projections. Those are not estimates of what the future prison population might be. What they do is observe very long runs—20 or 30 years—of what has happened to the prison population. Experience has shown that the big determinants of any prison population are the numbers committed to prison and the length of sentences. Those are powerful predictors of future prison population. In recent years, all such projections have predicted an increase in the prison population, and in most years—though not in every year—over the past 50 years, since the end of the second world war, we have observed an increase in the prison population. We do not see an end to that. The prison population is projected to rise by around 100 a year over the next 10 or more years.

The provisions in the bill might well reduce the number of prisoners below what it would otherwise have been. That is not necessarily to say that the prison population will decline, merely that there will be fewer prisoners than there would otherwise have been. One of the key impacts of the bill will be the home detention curfew, one of the purposes of which is to shorten the incarceration period, with electronic tagging for the last portion of the sentence. Based on such estimates as can be made, we can say that that might result in a prison population of up to 300 fewer than it would otherwise have been. That is not to say that the prison population will decline absolutely, but it illustrates what an impact of the bill might be.

The impact on the prison population of the CJA arrangements is much more difficult to predict, but we would not have thought that they will have such a dramatic effect on the prison population that we could empty a whole prison. Given that the marginal costs are small compared to the capital costs—a gate and a wall are there whether we have a few prisoners or a lot—we would not make a big saving. There is not a commensurate saving.

**The Convener:** That is helpful. Thank you.

**Maureen Macmillan (Highlands and Islands) (Lab):** The Executive's consultation on reoffending suggested that there was a serious weakness in the way in which offenders were managed. There was a lack of shared objectives and accountability, and a lack of communication and integration between the criminal justice deliverers. Could you

give an indication of the current levels of integration and co-operation between the SPS, social work and other agencies, including voluntary agencies?

**Tony Cameron:** In general, integration and co-operation have improved. Traditionally, the primary duty of prison services, as servants of the courts, has been to incarcerate those whom the court decides should suffer a deprivation of their liberty. A debate has been going on for a very long time internationally about whether prisons can do more than incarcerate people. Can they try to rehabilitate them as well as imprison them? There is no universally accepted view on that, but our view in the SPS is that we can do something modest to help rehabilitation, although we cannot make people better by waving a magic wand. That was the underlying principle behind the launch two or three years ago of the SPS vision, which set out for ourselves and for the public the fact that we ought to attempt a more correctional mission, rather than only an incarceration mission.

We have put increasing financial and staff resources into interacting with other agencies. In a number of establishments we have link centres, which involve people who are employed by outside bodies, such as local authorities, other Government departments and voluntary organisations, working in prison alongside our own staff. We have increased markedly the interaction and level of co-operation with other criminal justice partners and the voluntary sector, although one can always do more in that regard.

We have increased our provision for learning and for the acquisition of skills among prisoners, such as reading and basic education skills, without which their life chances are much less. Specific programmes have been designed by experts to address offending behaviour. That is a very difficult thing to do, but we are attempting to do it.

The recent Audit Scotland report on our work was very complimentary about the developments that had taken place. We are pleased to see the provisions in the bill, which go very much in the same direction as we think that it is sensible for a prison service to go. The bill will provide more machinery, more joined-up ways of operating and more of a structure within which our work with local authorities and other criminal justice partners can take place.

**Maureen Macmillan:** You said that your programmes had "increased markedly". I am not sure what that means. What percentage of prisoners are now involved in such programmes, in which there are links with social work or voluntary agencies?

**Tony Cameron:** I am not sure that I can give a figure for the number of prisoners involved in

programmes that have such links. What we report every year to Parliament is the number of programmes and approved activities that take place and the amount of education that we deliver. Alec Spencer can probably give you some figures, but in recent years provision has gone up by orders of magnitude rather than marginally.

**The Convener:** Mr Spencer, could those figures be submitted to the clerks?

**Alec Spencer (Scottish Prison Service):** Certainly.

**Tony Cameron:** The figures are in our annual reports, which are submitted to Parliament each year.

**Maureen Macmillan:** Are we talking about programmes for long-term prisoners or for short-term prisoners? My perception is that the problem lies with the short-term prisoners, who go in and out of prison.

**Tony Cameron:** I say by way of a preliminary comment that in recent years the proportion of the total prison population that is represented by long-term prisoners—those serving sentences of four years or more—has increased significantly. The main driver in the rise of the prison population in recent decades has been the number of long-term prisoners. They are the ones who have been imprisoned for the most serious offences—often the most violent offences. They are the most difficult to work with, and we have concentrated some of our most sophisticated and expensive programming on them because the payback if we are successful is likely to be the largest.

Every year, 35,000 people come into prison. Most of them are short-term prisoners. We provide something for them, by way of education, but not the sophisticated programmes that we provide for long-term prisoners. In any allocation of programmes, we try to target our resources where we think the greatest need lies and the greatest payback will be. Short-term prisoners are often in for relatively short times. Around 80 per cent of short-term sentences are for less than six months, which means that people stay in prison for under three months. If there is a period of remand, the average length of that period is 20 days. Therefore, some people are imprisoned for a very short time.

Between 70 and 80 per cent of men, and around 97 or 98 per cent of women, test positive for illegal drugs on entry to prison. As a result, a significant amount of the already short sentence will be a detox period. During that period, it can be difficult to think about other programmes, because we are dealing with health care and other basic stuff. In earlier consultations, our evidence was that very short periods of imprisonment are poor value for taxpayers' money. That is because of the

limitations on what we can realistically expect to do in the time.

**Maureen Macmillan:** But those are the very people who are more likely to be back in prison a couple of months later.

**Tony Cameron:** The propensity to come back to prison varies. About half of all people who are incarcerated are reincarcerated within two years. That is not peculiar to Scotland.

**Maureen Macmillan:** What sort of information is routinely exchanged between local authorities and the prisons? What are the protocols for that?

**Alec Spencer:** Before answering that, I would like to pick up on your previous point if I may.

We deliver a series of programmes and approved activities, and we can give you the figures later. The approved activities are much shorter interventions and they are primarily for shorter-term prisoners. We also deliver a huge amount of education—I think that more than 400,000 hours will be delivered this year. Much of that will be for short-term prisoners.

Something that is not recognised is the amount of work that is done in link centres in various prisons—for example, work to do with accommodation, employment and addictions. Mr Cameron has already referred to drug programmes and Mr Croft, who will give evidence shortly, might be able to tell you about the sort of work that is done with the large number of short-term prisoners in Edinburgh prison.

You asked about information. At the moment, intelligence is exchanged between the prisons and the police. That is mostly done at a local level, although it is also done at a national level. However, most of the information that is exchanged is between the prisons and the local social work departments. That is normally done through the social work unit based in the prison. The Scottish Prison Service provides that service. We pay for social workers in prison, and they communicate with external social work departments.

Most of the information is about long-term prisoners who are subject to statutory supervision. With the new arrangements under the bill, many short-term prisoners—who are not currently covered by that flow of information or that supervision—will receive voluntary assistance. Through our link centres we will exchange a lot of information about our core assessments, about people's particular needs in accommodation, employment, addiction, health care, debt management and so on, and about other interventions that are required. We hope that that information will be passed through what we are going to call the community integration plan, which

we will work out in co-ordination with social work and other agencies. We will try to pass that information on and make it available through a common database.

14:30

**The Convener:** Will that follow a universal protocol throughout the entire Prison Service or will how it works be down to each individual prison?

**Alec Spencer:** National protocols are already in place in relation to long-term offenders. Mr Cameron recently signed a national concordat with other agencies about sharing information about sex offenders. We are in the process of arranging protocols with local authorities, police and health services, among others, to ensure that we have an appropriate information flow about sex offenders. We hope that information sharing about ordinary short-term offenders will be part of the discussion that will follow the enactment of the bill. We will have discussions with the Association of Directors of Social Work, local authorities and voluntary sector agencies to ensure that the information that we are obtaining from prisoners and the assessments that we make meet their requirements; indeed we already have such discussions.

**Maureen Macmillan:** You are talking about what is going to happen, not the present situation. Are you saying that at the moment the arrangements are not in place for short-term prisoners, but you are hoping to put them in place?

**Alec Spencer:** In some prisons arrangements are already in place in the sense that they have a link centre. The governors of Edinburgh and Polmont prisons will be able to tell you about their current arrangements. They already have agencies coming in and working with them and they share information, but that does not happen on a formalised national basis. Your earlier question was what would be the difference between now and the future. At the moment we do not undertake formalised joint planning between the Prison Service and local authorities. I hope that under the new arrangements we will be told that we must be part of that and undertake that sort of work. We do not have a formalised joint vision; the two primary groups of criminal justice social work and the Prison Service have their own visions of trying to reduce reoffending, but we do not have a formalised national vision. I hope that those things will ensue and that we will be able to work together on the protocols and arrangements.

**Jackie Baillie (Dumbarton) (Lab):** I understand the need for a joint vision, but some practical things are not working, which is perhaps the nub



of the issue. We heard evidence last week from some of the social work partnerships that they do not always know who is in the system, who is coming out, when they are coming out or what the priority groups are. I am keen to understand what is being done to address that practical problem.

**Tony Cameron:** The circumstances vary, as Alec Spencer said. We have people who are sentenced to a term of imprisonment with a punishment part of 30 years, who are incarcerated for a long period and are not available to go into the community. We also have a significant number of people coming into prison overnight and departing the next day. They come in from court in the evening and we know that they are coming only when they arrive and we must deal with them. If prisoners serve short sentences of just a few days, the amount of information that we can collect or receive is limited. Between those two extremes are the bulk of prisoners. There is no doubt that the churning effect happens mostly at the short-term end. The shorter the period, the less we can do. As I said in my opening remarks, traditionally we have concentrated on long-term prisoners.

We can do a certain amount of work for short-term prisoners but not rehabilitative work. We can pass on information if we have it, but the information flows regarding people who are in for only a very short time are necessarily pretty small. That can be a practical issue both ways. The new arrangements offer the prospect of formalising and making arrangements that are suitable for each area. For example, the arrangements for a big inner-city area will be rather different from those for a remote area.

**Jackie Baillie:** My concern stems from the fact that it is not even about the exchange of vast amounts of qualitative information; it is about the exchange of just basic information, such as who is in, who is coming out and when they are coming out. I would have expected the basic infrastructure for that to have been in place now. I understand your analysis of the problem; I am really trying to get at what you see as the solution.

**Tony Cameron:** The solution comes from the proposals in the bill. You are quite right; at the moment, our job is to incarcerate those who are sent to us by the court and those whom the prosecutors send to us on remand. The latter make up about a sixth to a fifth of our total prison population and are innocent until their trial is disposed of. Special arrangements have to be made for them and we often do not know much about them, as they are not criminals at that point. At the moment we do not have the same system of statutory supervision for very short-term prisoners that we have for long-term prisoners and sex offenders.

Short-term prisoners are sentenced by the court to a short term of imprisonment, they serve it and they go out. We have tried to address some of the issues by establishing link centres in prisons that deal with that type of prisoner to try to ensure that the transition from prison to community is not as disruptive as it has traditionally been. All the problems and issues that those prisoners had at the point of entry into prison are still there when they leave, but they have the additional issue of having been incarcerated.

At the end of the sentence, the tendency has been for short-term prisoners to be discharged into the community but not to be received by anybody. They go home, if they have a home to go to, and they pick up the threads of their life again. We are trying to make that transition a bit better and a bit more joined up. That requires work by us, which we have started on the basis of our own view of what needs to be done. However, we need and would welcome the co-operation of voluntary agencies, local authorities, housing, and the police, in certain cases. We are ready to improve the situation because, for short-termers, it has not been a seamless process.

**The Convener:** Would you clarify a simple factual matter? At the moment, if a prisoner is admitted not on remand but to serve a sentence that has been imposed by a court, are there any data on that prisoner's record sheet or log about where their home address is thought to be and where they are likely to go on release? Is there then any contact with the local authority for that area?

**Tony Cameron:** There is some, but not all prisoners will divulge their place of residence.

**Alec Spencer:** If someone is sentenced to a one-month prison term, we will have their criminal record number and warrant and we may know their home address, but we have absolutely no statutory duty to advise anybody that that person is going to return to that area. They are not subject to supervision. Unless they are a schedule 1 prisoner or sex offender, in which case there may be other requirements, there is no protocol or arrangement in place for us to notify anybody. Indeed, the evidence from social work services is that they do not have the resources and are not geared up to deal with that sort of information coming from prisons. Somebody who is serving a one-month sentence is not a statutory case.

**The Convener:** What is a statutory case?

**Alec Spencer:** A statutory case is a prisoner who is serving a sentence of four years or longer. They are subject to supervision.

**The Convener:** A non-short-term prisoner.

**Alec Spencer:** Yes. Somebody who is serving a long-term sentence or who is a lifer is subject to statutory supervision, and various protocols are in place to ensure that we notify social work services, the Parole Board and so on. There is no statutory obligation for people who serve fewer than two years in prison to have supervision, and there is therefore no reason for us to notify any authority about their release.

**The Convener:** And there is no commonsense intervention either.

**Tony Cameron:** If the court imposes a sentence of longer than four years, that sentence necessarily carries with it certain other things. If the sentence that is passed is shorter than that—if it is, for example, one week, one month or one year—after that period has expired, the person is simply free to go. They have a right to exit the prison and we must discharge them on that day. There is no requirement for the prisoner to have contact with anyone after they have left the prison gate. That is the present system; it is not the one that we would devise, but that is what the law is at the moment.

**Jackie Baillie:** Whether or not there is a statutory obligation, there is an issue of good practice.

Let us move on to evidence that we received last week from some of your partners in the criminal justice authorities, who said:

"The big challenge for us is our relationship with the SPS".—[*Official Report, Justice 2 Committee, 12 April 2005; c 1495.*]

Do you see a problem with the fact that the SPS is a national organisation whereas criminal justice authorities are local organisations? If you had a blank sheet, how would you ensure that the degree of communication and co-operation that is required would take place?

**Tony Cameron:** We do not see our being a national organisation as a problem for us. Most countries of Scotland's size have single prison services; however they are constructed, they tend not to be local organisations. That approach gives us considerable economies of scale, and not all prisoners are incarcerated next door to their home, if they have one. There are various specialist units or prisons in most countries, in which prisoners of certain types—especially long-term prisoners and women prisoners—are cared for.

As the Executive's proposals set out, if one were to design the system today, one might not start with the 32 local authorities. We have a large number of local authorities, some of which happen to have prisons within their areas, although most, by definition, do not. Even if there is a prison in a local authority area, it may not serve that area. For example, Shotts prison does not really serve the

area surrounding the prison: it is a national facility for very long-term prisoners and lifers.

We do not see a problem. We are keen to work with local authorities, and there is a challenge for us to do so. The proposals that are before us are for the creation of a small number of authorities to co-ordinate, share best practice and give some coherence to local arrangements. The precise number of those authorities is not for us to determine; that is a matter for ministers, under the bill, but we would be happy to work with whatever number of authorities the ministers decide to have.

Two scenarios are painted in the consultation document, one involving four authorities and one involving six authorities. From the perspective of a national organisation, all things being equal, the fewer authorities, the better. Having fewer authorities would reduce transaction costs and would mean that front-line delivery would be likely to be enhanced. However, we have no view on whether there should be four, six or another number of authorities. The basic provisions in the bill are for a relatively small number of such authorities, and the challenge is for us to co-operate with them in working to reduce reoffending and increase safety.

**The Convener:** We have quite a lot of material to cover; therefore, I ask members to make their questions as concise as possible. I know that the panel will co-operate by being as crisp as they can with their answers.

**Mr Stewart Maxwell (West of Scotland) (SNP):** I have a quick question on a slightly different subject. In paragraph 5(c) of your written evidence to the Finance Committee, you state:

"SPS has just launched a major exercise ... designed to alter our structure and staffing".

Can you expand on that and give us some detail of what that entails? When will you complete that restructuring exercise?

14:45

**Tony Cameron:** The budget settlements under which we must operate at the moment contain an expectation that we will make a contribution to the Executive's efficient government initiative and, more generally, that we will start to address in a major way the fact that the SPS is not a competitive provider. We can acquire places that are just as good at a much lower cost than those that we can provide at first hand. That is not a desirable position from our point of view or from the point of view of our staff or the taxpayer.

We have been conducting a series of efficiency exercises throughout the service. There is a limit to how much those across-the-board exercises can deliver—it gets increasingly hard as one

makes efficiencies and as the various prisons and directorates at headquarters get as near as we are going to get. We are hoping for a 5 per cent saving this year; we delivered a 5 per cent saving last year and 1 per cent the year before.

To continue the necessary pursuit of efficiency, we needed to conduct an exercise like the one that was conducted about 10 years ago, in which the boundaries of staffing were redrawn and the terms and conditions of service for certain people were altered. Another exercise was conducted 10 years before that. My perception was that to get a step change in our efficiency over and above what we have already achieved, we needed to carry out such an exercise, which we have not given a precise timescale.

My colleague, Peter Withers, who is one of the most senior board members, has agreed to lead the exercise. He led the previous one 10 years ago, so he has expertise. He is gathering together a team of people right across the service in a radical way. That team's work will feed through to pay negotiations with our staff; it will also provide a new structure, which I hope will persist for the next five to 10 years.

**Mr Maxwell:** The exercise will look at everything.

**Tony Cameron:** Mostly, it will look at the bulk of where our resources are, which is in our 15 prisons.

**Mr Maxwell:** Are you referring to staff?

**Tony Cameron:** I am not just referring to staff, although there are aspects to consider in that regard, such as structures and gradings. I have not said that the exercise should be confined to this or that. I deliberately wanted to carry out a wide exercise involving all prisons and the bits of headquarters that are necessary if we are to look at how we become a more competitive provider.

**The Convener:** I do not know whether it is within your competence to answer this question, but do you have a view on how the proposed community justice authorities will improve strategic direction with regard to reoffending?

**Tony Cameron:** That is quite difficult. The bill provides for a focal point that will involve however many local authorities are in each CJA area. We have found from sharing our experience among prisons that there are judgments to be made about what is best provided locally and what is best provided nationally or regionally, if I may describe the community justice authority areas as regions. There is a wide perception among the public that the criminal justice system is rather inefficient and does not work as well as it might. As has been mentioned, the status quo is not regarded as a

very good option. The exercise will be an incremental attempt to improve co-ordination.

Reducing reoffending is difficult to do. With a static and ageing population of about 5 million, one would think that the number of people going to prison would fall because most people in prison are young. That has not happened and there seems to have been a tendency over the past 50 years for prison populations to rise, despite there being no increase in population. That paradox is not peculiar to Scotland; the phenomenon has been observed in some other countries.

To reduce reoffending, one has to get at the root causes. That requires everyone—including us—to address themselves to what is needed. Although there is a lot of literature about reoffending, rather little is known about it. What we know for sure is that people are less likely to reoffend as they get older, if they have a house or somewhere to go on release, if they have a job or something equivalent that gets them up in the morning and, in most cases, if they have maintained some satisfactory family contact—I use the word “family” in its widest sense. Prison gets in the way of those things; it makes them harder to maintain than if the person were in the community. We know that programmes to address offending behaviour that are delivered in the community have a higher success rate than the prison-based programmes have. There is something about the mental state of incarcerated people that makes programmes less successful. However, we should be able to reduce reoffending by co-ordinating better and using best practice with all the players in the area.

**The Convener:** I infer from your answer that the programmes might have a role to play but that they do not provide a total solution.

**Tony Cameron:** I agree absolutely that they do not provide a total solution.

**Maureen Macmillan:** A little while ago, you spoke about the possibility that services in certain criminal justice areas would become more efficient because communications would be easier. However, I am not sure that those improvements in administration will reduce reoffending rates. We have had written evidence from small local authorities, such as the island authorities, that feel that being involved in large community justice authorities would be counter-productive. What are your thoughts on that?

**Tony Cameron:** Our experience is that the delivery of admittedly complex services is more effective if it is done in larger units. That is not to say that, for some things, what is needed is not an extremely local solution.

I can speak only from my experience. Until relatively recently, we had two areas in the prison service—the north and east area and the south

and west area—but we now have only one area, if you can call it that. We did not do that simply because it seemed like a nice thing to do; we think that there are benefits that come from economies of scale. Some local services have to be provided in the islands rather than being procured from Glasgow or Edinburgh. If someone is coming out of Inverness prison and going back to Lewis, we will need to liaise with Lewis, obviously. There are quite a lot of things that one can do in units that are larger than any of the 32 that we have at the moment.

**Maureen Macmillan:** Do you think that, under the umbrella of those larger units, there is room for local flexibility?

**Tony Cameron:** Yes. As I understand the provisions of the bill, the local authorities will still be statutorily responsible for the delivery of criminal justice social work in their areas. Unless I am wrong—which is possible, as this is not a bit of the bill that I am as familiar with as I am with others—that arrangement will not change. The question, however, is whether bringing elements together in a structured way is likely to be successful. Our view is that it is likely to be more successful than the present arrangements are, although we cannot prove that. We think that that is a plausible proposition that would chime with our experience.

**Jackie Baillie:** A lot of what I am about to ask about has been covered already, but it would be helpful if you could summarise the position.

Everybody would acknowledge that it is difficult to achieve effective transitions from prison back into the community. What factors do you think contribute to ineffective transition? What have you done about them and what remains to be done?

**Tony Cameron:** As I said earlier, housing and what, in a modern setting, I suppose we would call the benefits that are provided for people who have no job are important factors in relation to reducing the chances of reoffending. Doing preparatory work so that people can get jobs—some people will get jobs—or college places, for example, before they leave prison would be a good idea. In the past, we would not do such work. However, we have done a great deal about family contact. Visits are not what they used to be. Much more accent is now put on encouraging families to visit prisoners and on making visits easier and more useful.

The link centres that we are establishing are initiatives that will try to bring into prisons expert providers such as Jobcentre Plus and housing providers, as otherwise prisoners cannot get expert advice on such matters until they leave. We do not want to push prisoners out the door and say “There’s the money for the bus and here’s your discharge grant. Goodbye and don’t darken

our door again.” We are working progressively, but we will not get where we want to be overnight—that will take time. However, we have put in a lot of effort. David Croft, who is on the next panel, can tell to the committee about HMP Edinburgh, where we have done things most successfully. We have to start somewhere, so we have started with Edinburgh, but work is also being done in Barlinnie, Cornton Vale and so on.

**Jackie Baillie:** That was a helpful summary.

Currently, your performance indicators measure bums on seats in programmes. In the light of what you have said, would not it be better to have more results-based or outcome-based performance indicators?

**Tony Cameron:** It would be. There is a whole philosophy about what it is sensible to specify as the things that we want from public sector and private sector organisations. Measuring outcomes in the social sphere is particularly difficult. Everybody would agree that it would be ideal if we could measure the effect of each programme on offending, reoffending or the propensity to offend, but all the literature that Alec Spencer and I have seen suggests that separating what is done in prison from all the other influences that are brought to bear—bearing in mind what I said about the chaotic lifestyles and drug addictions that many prisoners have—is exceedingly difficult. Therefore, a second-best approach is taken. We fall back on the bums-on-seats approach because bums on seats can be counted, although we know that they are not an outcome and we should not kid ourselves that they are. A decreasing number of reconvictions or convictions could be attributable to random causes or be something to do with ascertainment, the courts, housing or other conditions out there that impact on individuals once they leave prison. Separating things out has so far defeated everybody in every jurisdiction that I know of, although doing so would be desirable. Getting somewhere along the way would help, and the proposals in the bill might help by getting people together, as that might result in their considering what can be measured over a longer period of time, which might help us to get a handle on things.

**The Convener:** Much of the ground that Stewart Maxwell was anxious to ask questions about has now been covered, but he may want to ask about a specific matter, such as individual prisons.

**Mr Maxwell:** You are right.

The Executive’s consultation identified a lack of consistency in the provision of offender management services throughout Scotland. Do the witnesses want to comment on that finding and on the gaps that exist in service provision? What are the reasons for such gaps? In particular, I

want to know which prisons are better at offender management and at providing successful transition into the community, and why they are better at doing such things?

**Tony Cameron:** I will deal first with the final question on offender management, which is interesting.

As I said earlier, over the years we have put most resources into dealing with long-term prisoners, which necessarily means into a small number of prisons. If you were to ask me about where the largest number of programmes and the most expensive programmes are, I would say Shotts, which is prison for very long-term prisoners, Glenochil and Kilmarnock—those are the top three prisons in that respect. In respect of education, Kilmarnock would be followed by Barlinnie, which would probably be followed by Edinburgh—I am guessing—and then Perth. It depends what the population of the prison is. It is not necessarily a matter of being better or worse. We have only 15 prisons and none of them is a mirror image of another—they are all different. For example, the size of the population differs, from 1,200 prisoners in Barlinnie to a little over 100 in Inverness, so we are not comparing like with like.

15:00

I agree with your comments on variation in provision. The biggest such variation, which has existed for many years, is in accommodation. We have some excellent new accommodation with sanitation and television, but we also have slopping out. If we are talking about basic provision, the biggest difference is in basic living conditions. In prisons where there is slopping out, it is difficult to talk intelligently with prisoners about leading a normal life because they are not leading a normal life while they are slopping out.

As you know, one of the SPS's biggest challenges has been to secure sufficient resources to reduce slopping out and the sharing of cells as quickly as we possibly can because that would provide a more normal basis for dialogue with prisoners about their condition. We still have slopping out at Peterhead, Edinburgh and Polmont. If I had been asked the question in committee a few months ago, that list would have included Barlinnie too, but we have ended slopping out in Barlinnie after 125 years. We are pleased about that.

Basic living conditions are important for addressing offending behaviour and dealing with prisoners' behaviour in prison as well as outside. Sharing of cells, which happens when we have a greater number of prisoners than that for which we have the capacity, necessarily constrains what is done.

One big benefit among the many that the new arrangements for transporting prisoners from prison to prison and to and from court have had over the past six months to a year is the fact that staff are no longer being taken off duties in workshops or education supervision. Some short-term absences are caused by prisoners being taken to hospital, but the broad mass of such absences has been taken away. I am sure that the governors who will follow us in giving evidence will agree that that has transformed the management of the rehabilitation and care agenda within all our prisons, particularly the big local prisons and the young offenders institution at Polmont.

**The Convener:** I thank you for mentioning the governors; they are waiting patiently, so I remind members of the need to drive their questioning along.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I have three quick questions. The first is a cynical one that comes out of my welcome visit to Edinburgh prison last week—I am grateful to the prison staff, who, incidentally, confirmed Tony Cameron's final point.

As release on home detention curfew would be at governors' discretion, rather than be part of a rehabilitation service, could it be misused as a way of helping governors with cash flow or flow of prisoners if they were able to release prisoners on home detention curfew sooner than they would be released on day release or under another mechanism?

**Tony Cameron:** The cost difference between keeping 100 and 110 prisoners in a prison is marginal in relation to the total cost, which includes the prison structure and security. Therefore, putting 10 prisoners on home detention curfew would not save a huge amount—somebody would have to pay for the tagging system anyway. If we consider the total cost to the taxpayer—as we should—there would be a big saving only if a whole hall or prison could be released on home detention curfew; at the margin, not much money would be saved.

There would be no incentive for a management team to say, "Oh, we're a bit tight on the budget. Why don't we shove a few people out?" as we do not like to release prisoners who are not supposed to be out. There is a great sense of protecting the public in the Scottish Prison Service and, whatever else we are inclined to do, we are not inclined to take chances. Sometimes we have to make a judgment about risk, which will sometimes turn out with hindsight to have been wrong. We will be pretty careful about home detention curfew.

**Jeremy Purvis:** My first question was less about cost than about management of the numbers of prisoners coming in and the numbers

of them wanting out, given your requirement for flexibility.

My second question is on risk. With regard to risk management, the evidence that we received from Safeguarding Communities-Reducing Offending and social work departments was fairly consistent. That evidence was that there were question marks over the supervision of prisoners who would be under a curfew. I think that it was Mr Spencer who said that there was no statutory supervision of short-term prisoners. What mechanism would the SPS—in partnership with bodies such as local authority social work departments and CJAs—consider putting in place to help to monitor prisoners who were under a curfew? Perhaps you think that the SPS would have no role in that.

**Tony Cameron:** We have not worked out all the details, but the present suggestion is that the SPS should judge who should be allowed to go on home detention curfew. Some prisoners will not be eligible for those arrangements. The intention is that an electronic monitoring system—the bracelet system—will be used in the vast majority of cases, apart from one or two. It will not be used in combination with local authority supervision or any other daily or weekly supervision. The monitoring will be done electronically.

It is proposed that the home detention curfew will be used mainly for short-term prisoners who, as we have already explained, would not normally get statutory supervision or any other form of compulsory supervision after the end of their sentence. Like any citizen, such people can avail themselves of the help that is provided by social work departments or other public agencies. Our intention is that a judgment will be made following the conducting of a risk assessment and the production of a report on matters such as whether the prisoner has a proper home to go to and whether the arrangements have a chance of working. Neither the SPS nor the local authorities would carry out routine supervision on top of the electronic monitoring.

**Jeremy Purvis:** Given that you have limited information on prisoners, how will you be able to gauge risk management effectively and to assess accurately not only how likely it is that they will reoffend but the threat to the safety of society that they pose? Indeed, you might not have any information on a very large number of your prisoners. I think that you said earlier that you did not know where a fair number of your prisoners lived.

**Tony Cameron:** If we do not know where a prisoner's residence is, we will not be able to tag him.

**Jeremy Purvis:** I understand that.

**Tony Cameron:** The proposed arrangements provide for a report to be sent to the SPS by the social work department. That report could say a number of things, such as that home detention is okay for the prisoner in question or that it is not okay. There could be several different reasons for that. A judgment must be made. At the moment, a number of long-term prisoners, especially those who are in open prisons or who are reaching the end of their sentences, go out to work each day and come back. There is a calculation to be made of relative risk.

In the main, the short-term prisoners whom we are speaking about are not in prison because they are violent or represent a danger to the public. They are serving a sentence that society has imposed because they have committed a crime. In general, a very large proportion of our short-term prisoners—perhaps as much as half the total prison population—are not in for crimes of violence or similar offences. That is not to say that they will not commit another offence but, in one sense, they are not a danger to the public. If we thought that they were likely to be violent, we would think very hard about whether they should be released.

**The Convener:** Is there a risk assessment template that you propose to apply throughout the SPS if the bill becomes law or is the service still working on that?

**Tony Cameron:** We are still working on it and we will need to continue to work on it with our colleagues in the other criminal justice agencies. We need to liaise with social work colleagues and the police, for example. We have not worked out the total modalities.

**The Convener:** I think that all my colleagues would agree that that is a pretty fundamental component of the whole proposal. I suspect that, when the bill comes up for debate in Parliament, members of all parties will raise that issue. Are you able to offer us any comfort on how the negotiations are proceeding?

**Alec Spencer:** All short-term prisoners are subject to a core assessment. We intend to use many of the factors that are already in that core assessment to aid our judgments. Home detention has not yet been introduced. If it is the will of Parliament that it should be introduced, we will talk to the police and local authority social workers to find out what they think are the important risk factors. That will ensure that the assessments that we undertake in prison are appropriate.

Members will note that home background reports will be drawn up as part of the arrangements for a home detention curfew, to which Mr Cameron referred. Therefore, assessments will be made in the community. We

will make assessments in prison of prisoners, their level of risk and their needs. All of that will be combined before a decision has to be taken. The governors who make those decisions will be very conscious of the need to ensure that public safety is paramount.

**Jeremy Purvis:** You have not mentioned the Risk Management Authority. Will it become a body that will co-ordinate all the relevant information, so that there is a consistent, national approach?

**Alec Spencer:** The Risk Management Authority deals with very serious offenders who have committed crimes such as murder and serious sexual offences. They are subject to orders for lifelong restriction and would not be subject to home detention curfew. They are extremely dangerous people of whom perhaps 10 a year would come under the—

**Jeremy Purvis:** I did not ask for clarification of what the authority currently does; I asked whether its role could be extended to offer a consistent, national approach.

**Tony Cameron:** Under current plans, the answer is no. We would make our own assessment of whether prisoners could either go home at weekends or go out to work, as we do for prisoners released at present. The issue concerns an extension of that end of the business rather than management of the extreme sex offenders or murderers to whom Alec Spencer referred.

**Jeremy Purvis:** Does the Scottish Prison Service have experience south of the border? You might have seen the research that indicated that home detention curfews had a negligible effect on reconviction rates; the difference was a matter of a few fractions of a per cent. Have you any observations on that?

**Tony Cameron:** In general, it is quite difficult to make comparisons with a very different system. However, the objectives of this process are based on the belief that, for those who are suitable, short-term sentences of up to 135 days would be better provided for in the community under an electronic tag system.

Basically, the technology is new—it was not available a few years ago—and is becoming reliable. It is already used with offenders as an alternative to custody, towards the end of a sentence when a judgment is made about whether it would be safe and sensible to release a person earlier than would otherwise be the case, with a monitor. That is not something that we would normally do, but the technology seems to have a place and increases our armoury in providing appropriate penalties for criminals.

**Bill Butler (Glasgow Annesland) (Lab):** Would a requirement for social work supervision

for those on home detention curfew be of benefit? At present, the bill does not envisage such supervision as standard. What is your view?

**Tony Cameron:** We do not have a view. At present, society provides for supervision in the community following release for those who serve short-term prison sentences, except in a limited number of exceptions.

**Bill Butler:** Would that be of benefit?

**Tony Cameron:** The question is whether it would be effective and cost-effective. I do not know whether it would be because it is not within our experience.

**Bill Butler:** Does Mr Spencer have a view?

**Alec Spencer:** The important issue is whether prisoners will get the required support. If they have an opportunity when on home detention curfew to access employment, or to remain in the family home and not offend—and, therefore, have the possibility of integration—that is better than being in prison.

To go back to the previous question, if the statistics from the south show that there is no discernible—or only a marginal—benefit from people being outside rather than in, there will be no point in keeping them in prison, because it will not have a negative effect on reoffending and it will reduce the pressure on the prison system. We will then be able to focus our resources on those who need them. However, that does not answer the question about supervision in the community.

15:15

**Bill Butler:** In effect, you are saying that the support that might be provided by social work supervision would be of no real benefit compared with all the other forms of support. Is that what you are saying?

**Tony Cameron:** No.

**Alec Spencer:** No.

**Bill Butler:** Well, what are you saying? Could you make it clearer for me because I am not following you?

**The Convener:** We will take one respondent at a time. Mr Cameron.

**Tony Cameron:** There is a question of an opportunity cost. In any debate about whether something is of benefit, one has to decide what one would give up to pay for it. Comparing it with what the money would be spent on otherwise measures how much one wants it and how beneficial one thinks it will be. We do not know what the thing we would have to give up is, so we cannot know whether it would be beneficial, because we do not know how much damage

would be caused by giving up the thing that we would have to give up to pay for it. Without that information, the question cannot be answered.

**Bill Butler:** I think that I follow that.

I have another crisp question; perhaps we could have a crisp answer. What plans are there to notify victims of the early release of prisoners?

**Alec Spencer:** Currently we operate a scheme whereby we notify the victims of those who have committed violent, including sexual, offences. There will be no additional requirement for us to notify victims of short-term offenders who are released under the new provisions in the bill unless they are already within the existing structure.

**Bill Butler:** Do you think that there should be?

**Tony Cameron:** That is not a matter for us.

**Bill Butler:** Speak as a citizen.

**Tony Cameron:** I am not a citizen here; I am a civil servant. I cannot answer as a citizen. There are rules about civil servants.

**The Convener:** At the moment there are rules that govern whether you have to notify victims. You do so for certain categories of prisoner and you do not do so for certain others. Other than saying that, you do not want to give an opinion.

**Tony Cameron:** Those rules do not apply to the people we are considering today.

**Maureen Macmillan:** We will return to risk. The bill makes special provision for dealing with serious and sexual offenders and gives police, local government and Scottish ministers, through the SPS, statutory functions to establish joint arrangements for assessing and managing the risk that such offenders pose. Of course, that resonates with what has happened recently. What will the SPS's responsibilities be in progressing that?

**Alec Spencer:** The SPS has been party to the information sharing steering group—ISSG—that has been examining the Cosgrove recommendations. We have already signed a joint concordat with other agencies for information sharing and are working on protocols with the individual agencies. We are now engaged in an agreed common risk assessment for all agencies—the risk matrix 2000—so we will be involved in common training and assessment so that we are all talking the same language. An information sharing pilot is already being undertaken at Peterhead, where they have good liaison through Grampian police. We are considering how we can extend that information flow into the new United Kingdom police violent and sex offenders register—VISOR—that has just been rolled out in Scotland.

We are already working on a number of accredited programmes. In fact, when the joint community and prison accreditation panel, which was established after 1 April, gets into swing, we intend to introduce joint programmes to ensure that programmes begun in prison can be continued in the community and that we are all working on and dealing with the same material. A range of measures is in train.

We must also ensure that any information that we have is passed on. At the moment, concerns have been expressed about data protection but, by making us a core partner with the police and social work agencies, the legislation will enable us to pass appropriate and relevant information more comfortably between agencies. As a result, we hope to receive at the point of sentence information from police and social work and, when sex offenders are released, we hope to pass on to authorities information that we have gleaned in interviews and in programmes in which offenders have talked about the patterns of their offending behaviour. Such an approach will ensure that child protection is improved on the outside.

**Maureen Macmillan:** There is no equivalent agreed national approach to violent offenders. Is any work planned in that regard?

**Alec Spencer:** Part of the Risk Management Authority's remit is to develop national standards for risk assessment of violent offenders. We have acquired from another jurisdiction a violence prevention programme that we are delivering in one prison and will shortly introduce in two long-term prisons. We will also discuss with the joint accreditation panel the question of how we can best broaden the programme to ensure that it can be used inside and outside prison.

**Maureen Macmillan:** VISOR has been mentioned a couple of times. Although the letter to Mr McNulty, the convener of the Finance Committee, deals with this matter, will you explain to the committee what VISOR is and how you use it?

**The Convener:** I think that the question is more about how the Scottish Prison Service engages with VISOR and whether it will have training and resource implications.

**Alec Spencer:** Our operational people are currently working on that. As members know, VISOR is a computerised police system that lists and categorises violent and sex offenders, those who are registered or have been previously registered and so on. Through the police's intelligence system, it also holds information on individuals that might be of use to Disclosure Scotland and in assessing people's suitability to work with vulnerable people.



As I said, our operational people are currently discussing with police how we can link our information systems. At the moment, the SPS has a computerised link with the Scottish Criminal Record Office, and we must ensure that we can also exchange information between the VISOR system and the SPS and that we share appropriate information and intelligence with the police. As far as information feeding is concerned, I know that the staff at Peterhead prison who are involved in the pilot project with Grampian Police will be acutely aware of VISOR's introduction, and Bob Ovens of the Association of Chief Police Officers in Scotland, is certainly involved with the SPS in developing those links.

**The Convener:** On behalf of the committee, I thank both witnesses for their attendance this afternoon. I know that the session has been fairly protracted, but we have found it helpful.

I declare a five-minute comfort break to allow people to draw breath and come back refreshed for the next panel.

15:24

*Meeting suspended.*

15:29

*On resuming—*

**The Convener:** I reconvene the meeting and welcome three prison governors. Audrey Mooney, the governor of Aberdeen prison, should have been with us, but sadly she is unable to be here because of family circumstances. However, I welcome David Croft, the governor of Edinburgh prison; Bill Millar, the governor of HM Young Offenders Institution Polmont; and Sue Brookes, the governor of Cornton Vale prison. I thank the witnesses for their patience. I am sure that they realise that we were anxious to get through a lot of material with Mr Cameron and Mr Spencer. I have just been speaking to members of the committee and we think that some areas have probably been adequately covered, so this part of the meeting might be a little shorter than it might otherwise have been. I invite Mr Croft to make a brief introductory statement.

**David Croft (HM Prison Edinburgh):** As governors in charge of prisons in the Scottish Prison Service, we very much welcome the Management of Offenders etc (Scotland) Bill. The proposed structure will bring us closer to our partners in criminal justice social work departments and will increase the scope for ensuring that our strategies and plans are complementary. Currently, there are positive local partnerships between prisons and agencies within criminal justice social work departments, which operate mainly on the basis of good will,

professional respect and mutual commitment to reducing reoffending. The formalising of the arrangements will provide greater scope for joined-up working towards complementary goals and, ultimately, will ensure greater integration of offender services, the aim of which will be to reduce reoffending.

We welcome the proposals on home detention curfew for selected prisoners who are nearing the end of their sentence and have been assessed as requiring only a low level of supervision in prison. Such prisoners are rarely held in prison because they continue to present a risk to the public; they are there merely to complete the sentence that the court awarded. The weekend home leave scheme that currently operates provides an example of an approach whereby early access to the community is granted. The scheme applies to prisoners in open prisons; such prisoners might be serving sentences from 18 months to life and are usually granted home leave every four weeks as part of their preparation for release. Any reduction in prisoner numbers that arises from the home detention curfew scheme will enable us to concentrate our scarce resources on areas in which they are most needed.

**Maureen Macmillan:** What are the current levels of co-operation between the witnesses' prisons and social work and voluntary agencies?

**Sue Brookes (HM Prison Cornton Vale):** There is a considerable amount of co-operation between Cornton Vale prison and agencies in the community. Our establishment has a link centre so, as people come into prison, the job centre and other such agencies try to establish relationships that will help with employment and homelessness on release. We also do work on specific, themed areas. We have a group that includes social work representatives from outside the prison, which tries to develop strategies for the management of family issues and the development of our family centre. We also have considerable links with local health care providers, because there are mothers and babies and pregnant women who need midwifery care in the prison. We have many links with the community, but they tend to relate to specific issues rather than to an overall plan.

**The Convener:** Does that happen regardless of the length of sentence?

**Sue Brookes:** Sorry, in what respect?

**The Convener:** The evidence that we heard from Mr Cameron indicated that a big distinction is made between long-term prisoners and short-term prisoners. In Cornton Vale, the proportion of short-term prisoners is high, so I am interested in what you said.

**Sue Brookes:** Most prisoners from Cornton Vale are not liberated directly to the Stirling area.

However, the prison needs to have good relationships with the Stirling area, because we access services such as nursery provision for women with babies who go out to the open prison, and health care resources such as the local hospital. There are a number of issues in respect of which we liaise directly with the community and the local authority.

We send a large number of women back to different areas, which requires quite a lot of effort. The more areas that we have to liaise with—

**The Convener:** Can you tell us more about that?

**Sue Brookes:** Yes. Agencies from the Glasgow area come to the link centre to consider homelessness, for example. From our perspective, the fewer areas that we have to work with the better, because that gives us more opportunity to make concrete relationships and arrangements for release.

**Maureen Macmillan:** However, I worry that you will not make relationships with the people who will deal with the women once they get back to Shetland, the Western Isles or wherever. You will deal with somebody who is far removed from the person who will deal with the woman when she gets home.

**Sue Brookes:** On liberation, we already send women right across Scotland. From my perspective, the smaller the number of agencies or areas that we have to work with the better: any reduction in the current number would be an improvement.

**The Convener:** I was interested in how the SPS perceives the role of the community justice authorities. Mr Cameron said that his view was that, although they would be helpful, they would not be a solution on their own. Am I correct to assume that the three of you share that view?

**Bill Millar (HM Young Offenders Institution Polmont):** Yes. HM Young Offenders Institution Polmont has similar problems to Cornton Vale with regard to being a national establishment. We have to maintain contact with the whole of the country, so if we have to establish such a relationship with fewer authorities, it will make life a bit easier for us.

**Maureen Macmillan:** Will you tell us a bit about the relationships that you currently have?

**Bill Millar:** Again, the situation is similar to that at Cornton Vale. As Polmont is the only young offenders institution in the country, we take and liberate individuals from throughout the country. That means that in some areas relationships are patchy. Social work departments are primarily interested in those whom they have a statutory obligation to pick up on liberation. In the main,

such relationships are very good. Links are established prior to liberation and visits to the institution are made by community-based social workers, who access our link centre regularly and make face-to-face contact with individuals to establish a relationship prior to their release into the community.

The links are not as strong when we move beyond the statutory obligation. The situation varies around the country. Social work departments in some areas have looked beyond the statutory obligation. There is a lot of interest in youth justice and young offenders, so links are being established. Whether or not there is a statutory obligation, social work departments in some areas already express an interest and make contact. In the main the links that exist are good and strong, but they vary around the country. Much of that is down to the resources that are available to community-based social work departments.

**David Croft:** HM Prison Edinburgh has outstanding relationships with the various voluntary and statutory agencies. We are in the fortunate position of servicing the offender system—if you like—for the Borders and the east of Scotland. As a consequence, many of the agencies are on the doorstep of the people whom they seek to serve. Twenty-four agencies come into the prison at some time every week to provide a variety of services. There is mutual recognition among all of us and throughout society that addictions, homelessness and unemployment are the three major contributory factors to reoffending. As a consequence, we have agreed that we should seek to support those areas.

The advantage of joined-up working is that the relevant agencies come into the prison. There is a recognition that a prison sentence starts in the community and finishes in the community. It is particularly valuable for agencies to come into the prison to plan and work with a prisoner prior to his release into the community—I am talking primarily about short-term prisoners in Edinburgh. In that, we are significantly advantaged because we are in the locality that we serve.

**Maureen Macmillan:** I have visited Saughton and seen the programmes that operate there. However, if the work that the three of you are doing is so good, why do we need legislation to join it all up?

**David Croft:** As governor of HMP Edinburgh, I am at a greater advantage in terms of the services that I get than are the governors of most prisons. I include local services in that. I alluded to that advantage in my introductory statement. The services that we get are based on good will, mutual commitment and good relations. We need to formalise services in some way so that they do

not break down. Offenders should be able to depend on them always, and we need to plan for consistent service delivery over the years. I believe that that is the critical aspect of the proposals.

**Maureen Macmillan:** Thank you for that helpful response.

**Bill Millar:** Governors approach the management of offenders from their own perspective and in the interests of their own organisations. We do not use the same language or the same assessment techniques. Sometimes the information that we generate is of more value to one agency than it is to another one.

One of the advantages that could result from the bill and from the creation of the community justice authorities is that all of us will start to use common language and techniques and the same systems and processes. It will not matter which prison or authority is accessed; all of us will speak the same language. I think that that will lead to a higher degree of success.

**Sue Brookes:** I, too, believe that that is the primary issue. For female offenders, we want to ensure that interventions, programmes or services are specific to the needs of the offender and that they are consistently available in different parts of the country. I hope that the establishment of the CJAs and the chief officer role will provide us with greater consistency of access and availability.

**Jackie Baillie:** I will change substantially the questions that I planned to ask and focus on some of the comments the panel has made. By and large, it sounds as though the partnership arrangements that are in place are great. I agree with your analysis of the causes of problems and the barriers. That being the case, I return to Maureen Macmillan's point about the reasons for the present levels of reoffending. What is your analysis of some of the solutions that are required to plug the gap? Frankly, we are talking not just about putting good practice arrangements into statute but about gaps in provision.

Have you done any analysis of reoffending rates? It sounds as if what you are delivering is working, but do you know whether it is? Where do you think the gaps are?

**Sue Brookes:** We have not done any specific local analysis of reoffending rates. One of our hopes for the bill is that it will improve opportunities for accountability and evaluation. As David Croft said, there should be greater opportunity for consistent evaluation as people move into prison, experience life inside it and move out again. It would be useful if the opportunity to track offenders were applied consistently in different areas. I am thinking

specifically of female offenders, given their relatively small number.

I would like to have interventions and services that are designed specifically and appropriately for the needs of women. It would be useful to have interventions that women can access partially in prison and partially in the community after they leave prison. Such an opportunity has the potential to increase the chance of reducing offending.

**Bill Millar:** From the perspective of young offenders, I can say that we have done some fairly recent analysis. Probably about two months ago, we took a snapshot of our population in order to determine how many were recidivists and how many were first-time offenders. On that day, 75 per cent of the population had served a previous custodial sentence for an average of seven offences.

If relationships are so good, why are we not making a better impact on reoffending rates? As I said previously, I think that that is because our focus is not always on the areas that could have the greatest impact.

The prison service has targets, objectives and management contracts to service and we therefore focus on the areas to which they direct us. The same will apply to other agencies, which might not be focused on the areas that would have the greatest impact on reoffending. The resources are not always in place, even if we can identify the issues.

15:45

Many social factors will affect an individual's decision to commit crime. That is not an area on which the prison service can have a huge impact. We have attempted to identify the key causal factors and determine which ones we can impact on while the person is in custody. Mr Croft referred to issues such as housing and employability. We can try to make the offender more attractive to the community and more able to fit back in and make a useful contribution. We try to identify the causal factors as I have outlined. If the community services are doing likewise—I said earlier that we might not be using the same assessment tools—there can be duplication of work and resources, which are not necessarily applied to the widest areas in which we could make a difference.

Looking ahead, the requirements in the bill would provide a real opportunity to focus the resources where they can reap the best results. I hope that if we are joined up—to use Mr Croft's terminology—and the assessments are done jointly in the first instance and the agencies can agree where we can have the greatest impact, you will see a reduction in recidivism and offending rates.

**David Croft:** I could be excused for being the eternal optimist, but the records are two years old and we might find in two years' time that we have made a difference. We are maturing significantly our relationships and inputs as the years go by and I would like to think that the slowing down of the recent increase in prison numbers might be down to our making a difference, but I cannot prove that.

I see the gaps as primarily in the transitional arrangements for prisoners who are addicted to drugs going back into the community. There are not nearly enough accessible services. The services for people who are already in the community who need support for drug problems are in such demand that linking prisoners into them is difficult. We have taken significant steps forward and have been able to identify people and link them into services, but in the gap between a prisoner leaving the prison and accessing the treatment, many other things get in the road. The significant gap is because of prisoners' continued misuse of drugs on release from prison.

**The Convener:** What sort of things get in the way?

**David Croft:** The thing that gets in the way is just the reality of a prisoner being released and having his appointment to see a general practitioner a week later. He has to wait. If he has an addiction, he will not wait that long: he will go somewhere else. Even those who are released who have conquered the problem in prison have a week to try to come to terms with their new life and meet their old friends again. There are so many impact factors in the week or two weeks immediately after someone is released that we really need to link people with services within 24 hours. Work is going on with agencies in the community and the local drug action teams to try to improve the situation. That is the most significant gap that lets us down.

**Mr Maxwell:** A number of points have cropped up in your comments. What are your thoughts on the current partnerships? You say that you support the bill and the proposed CJAs. We heard evidence last week from criminal justice social workers, social workers, local authorities and the Convention of Scottish Local Authorities. Many of them seem to think that the current partnerships are working well and that, if they need to be improved, legislation is not necessarily required. They are concerned that we are restructuring yet again, relatively soon after they have set up those partnerships. Will you expand on why you think restructuring—rather than dealing with and improving the current partnerships—would assist?

**Bill Millar:** It is probably too important to be left to chance. One of the points that we alluded to earlier was that many of the good relationships

that exist are based on good will and a willingness to work together professionally. If good will does not exist and there is no requirement to form a relationship and to agree on targets, objectives and areas to work in partnership, the chances are that it might not happen. Formalisation gives us an obligation: we are more likely to focus our attention and resources on what there is a formal requirement to deliver, particularly when resources and staff time are at a premium. When we have finite resources to work with, we will not do things on which we will not be measured and which are not required of us. Formal structures and arrangements eliminate the possibility that not everybody would buy in to the same degree.

**Mr Maxwell:** Evidence we received last week indicated to me that there is a formal structure and that the resources—the funding, effectively—from the Executive are going not to individual local authorities but to a partnership or grouping of local authorities that buy into a formal arrangement and work together collectively. It seemed a fairly formal relationship. It may not involve the SPS and the prisons directly. Is it not just a case of amending the current situation rather than restructuring it entirely? Are you saying that there is no formal relationship?

**Bill Millar:** Much of the focus has been on the short-term offender and the short-term recidivist. The formal structures to which I think you are alluding are the tripartite arrangements, which focus on the more serious end of the offender range. The vast majority of our prisoner population does not come into that category. They are at the very short-term end, where there is not the same requirement for a relationship between community agencies and the prison system.

**David Croft:** I am unfamiliar with the formalities of the structure that you understand to exist. There are formalities within the statutory provision for long-term prisoners, but I am unfamiliar with other formal structures. There are some scoping groups on how we might share information in future but, unless I am misinterpreting the question, I am unfamiliar with—

**Mr Maxwell:** The evidence from local authorities and ADSW was that there are effectively criminal justice partnerships between various agencies that work collectively across local authority boundaries to deal with offenders. Maybe prisons are not involved in that.

**David Croft:** I am unaware of formal arrangements in that regard. Social workers are contracted in from community justice social work departments to work with us, and we have statutory supervision arrangements that come from outside, but I am unfamiliar with the other aspects. On the quality of the partnerships, one of the questions asked was why it is necessary to

create a structure to make all this work if it is working okay just now. There is nothing in my management experience that contradicts the view that without a structure we will never get anybody accountably delivering anything. I am talking about the size of the present reoffending problem in Scotland. That is where I believe the proposed structure would be a benefit.

**Sue Brookes:** As Bill Millar says, where there are national policies or agreements about procedures that need to be applied to long-term prisoners, they are appropriately applied almost individually, and relevant agencies are involved in discussions about what will happen to that individual. That process works well.

Like David Croft, however, I do not have experience of a significant amount of local consultation on general management issues concerning offenders as a group. We tend to work with our local authority on specific themed areas such as addictions, families, mental health and health care issues. The opportunity to join that up and see it as a collective vision for the management of female offenders, as opposed to the case management of individuals as they move through the system, is probably the biggest value of the proposed structure.

My understanding of the arrangements is that the community justice authorities and the chief officers will have an obligation to consult what are described as local key players. That will definitely bring the prison into a more direct relationship with the community. There is no doubt but that the more accountable we are and the more shared outcomes are evaluated, measured and made available to the public, the more organisations will focus on issues around reoffending. For those reasons, a more formal consultation mechanism would be useful.

**Mr Maxwell:** I have one further question on a slightly separate issue. The bill is intended to cut reoffending rates. In your opening statement, Mr Croft—tell me if I have got this wrong—you said that people who are serving short-term sentences are only serving the sentence that has been awarded by the court. I did not really understand what you meant by that. Surely that is the whole point of the sentence. What did you mean by saying that they are only serving the sentence that was awarded by the court? You seemed to be talking about it in relation to the HDCs—the home detention curfews—which you said you support. If those offenders are only serving the sentence that has been awarded by the court and you think they should be outside, whether through the HDC scheme or some other method, do you think that HDCs will contribute to the drive to reduce reoffending?

**David Croft:** I do not see how HDCs would contribute to the reduction of reoffending; I just think that they will allow prisoners who no longer pose a risk and for whom prison is no longer able to do anything to go into the community. In my introductory statement, I was referring to a prisoner who, with 135 days of their sentence left to serve, was likely to qualify for release because they posed no risk and presented no management difficulties in prison and had already had their primary and secondary needs addressed in relation to offending behaviour and social care. Quite rightly, they would be required to finish their sentence, but if they presented no further risk in the prison and the prison could make no further progress with them, I would support the use of an HDC.

**The Convener:** You are saying that the person presents no further risk in the prison. Surely the question is: what risk may they present in the community?

**David Croft:** I am sorry if I did not make myself clear. I assume that we would not release anyone who presented a risk to the community. The risk assessment would have concluded, first, that they posed no risk in the prison and, secondly, that they would present no risk if they were released into the community. A whole host of prisoners would qualify, in such circumstances, if such a disposal were available to us.

**The Convener:** Thank you for that clarification.

**Mr Maxwell:** I am trying to think what the purpose of HDCs would be, other than the release of certain prisoners. I thought that one of the aims of home detention curfews was to reduce reoffending, but you said clearly that you think HDCs would have no impact on reoffending.

**David Croft:** In my view, the incentive not to reoffend would exist only in the last 135 days of a person's sentence. I can think of no reason why, once that period had expired, their having had the home detention curfew afforded to them would be an incentive not to reoffend. The major deterrent to their reoffending in the 135-day period would probably be that, if they happened to go back to prison—God forbid—they would probably not qualify for an HDC again.

**Jeremy Purvis:** I have two questions on the curfews—I would like Mrs Brookes to answer the first one. I understand that the experience in England is that there has been a higher rate of curfews for women offenders than for men. However, we have also heard, in the wider context of the bill, about throughcare assessments in institutions and throughcare in society. The curfew is a mechanism for putting inmates back into society, but my reading is that the two proposals are effectively being kept separate—the

supervision of the curfews is not linked with the throughcare services in prison or the enforcement of throughcare services in the community, although that could be of benefit. How would that link in, or should it link in, with the work that you are doing and the gaps that you have indicated exist?

16:00

**Sue Brookes:** I take the view that the home detention curfews would be particularly useful for female offenders. The risk issues for female offenders may be different—we might want to research that over time. The current absconding rates for female offenders are certainly very low, so the relationship with the establishment—what might almost be seen as women's desire to seek support—is a good thing and should be maximised.

For long-term female offenders who are out in our independent living units, we already try to engage with social work departments for throughcare on release. My understanding of the home detention curfews is that—*[Interruption.]*

**The Convener:** I know that my convener's irritation is equalled only by my colleague's discomfiture, but after that mobile phone interruption I hope that we will all be technologically quiet. I am so sorry, Mrs Brookes. Please continue.

**Sue Brookes:** I can give examples of women who have children with them in prison and who have moved out to the independent units with their children. One can imagine circumstances where a home detention curfew would better facilitate that person's integration into the community, their child's access to services and a whole range of other issues. I understand that there is a possibility that conditions might be added to the home detention curfew. I have to confess that I am not entirely sure how that will be managed, but I guess that the process would develop through consultation. For female offenders or for offender groups with specific needs, the addition of different types of conditions might be considered.

I do not think that a general provision that all offenders on home detention curfew should be supervised is necessarily the best use of money. We might want to evaluate individual cases and look at the kind of support that people would need in the community and we might add different conditions accordingly. There might be standard conditions for the vast majority of short-termers, but for specific individuals who clearly have distinct needs—if they have young children, for example, or addiction problems—we might look for additional support. Does that make sense? The answer would depend on the individual.

**Jeremy Purvis:** It does. Before Mr Croft and Mr Millar comment, I think that it would be of great assistance to the committee—and certainly to me—if you could answer some other questions to help us to find out how the measure will be applied in Scotland. As we are currently scrutinising the bill, there will be further questions on what you have just said about how you perceive conditions and how curfews could be used—all of that would, presumably, be dealt with through consultation and regulation, although at this stage we do not know. We would like to know what questions there would be about every individual and whom you would ask the questions of. Presumably, you would ask them not only of the individual, but of the various partner agencies. What is the extent of the conditions that you would seek to use, if there are to be conditions? That issue is particularly important to us if we are considering whether the home detention curfews can be linked with other aspects of the bill. As the bill stands, that does not seem clear.

**Sue Brookes:** Various mechanisms might be used in that process. For example, in Cornton Vale we have a local risk management group, which is a multidisciplinary group that considers women's progress as they move through their sentence. It is used primarily for long-term offenders. We put to the risk management group for scrutiny all cases in which women are to access the independent living units. That reassures me that appropriate scrutiny is given to the relevant needs of every individual who gets access to the community and the risk that they represent. It may well be that we will put cases that involve home detention curfews to that group. We also produce community integration plans. In Cornton Vale, we write specific addictions plans for women who go out into the independent living units. Perhaps those mechanisms could be expanded to facilitate the home detention curfew process.

**Jeremy Purvis:** So you would say that home detention curfews could be used as a means to enforce—I hate to use that word—those plans or to provide a degree of stability for the individual in their chaotic lifestyle.

**Sue Brookes:** A lot of women come into Cornton Vale in a chaotic state. That is possibly one of the reasons why they come into prison—it is perceived that they will not engage in services externally. In a relatively short time, often with good health care, such women become much more stable and, in my judgment, are able to cope. On the levels of support that are required, each prisoner is an individual in their own right and must be considered on an individual basis.

**The Convener:** To clarify, what does the home detention curfew add to the scenario that you describe?

**Sue Brookes:** It is an opportunity for people better to access services in the community. I welcome the opportunity for women to be more stable and for us to know where they are and that they are going to access services.

**The Convener:** What is it about the home detention curfew that will make that happen? Is it the sanction, or the fact that if it is breached—

**Sue Brookes:** It is both the stability that it offers and the requirements that it places on offenders, given that we can apply conditions whereby people must access particular services. Those factors work together; they are complementary.

**Bill Millar:** I reiterate the points that Sue Brookes made. My reading of the home detention curfew is that it depends on what ministers want it to deliver. If its role is to reduce the burgeoning prisoner population and remove from prisons those who do not need to be there because they do not pose a real threat to public safety, that offers significant benefits and has merit. Such individuals are the people whom David Croft described. They are near the end of their sentence and they do not pose a great threat to public safety, so they can serve the final part of their sentence in the community under home curfew arrangements.

If the spirit of home detention curfews is to tackle and reduce reoffending, I suppose that its success will depend on what conditions we impose. The Prison Service is in a position to apply some conditions that might be of benefit in that regard, along the lines that Sue Brookes described. Much depends on the conditions to which an individual is released. Is the home a supportive environment? Are the relationships that exist in the home supportive? Many of the people for whom we have responsibility are not welcome in the home, which is the last place that they want to be. Trouble is created when they are in that environment. They would obviously not be good candidates for home curfew and they are unlikely to impact positively on reducing reoffending.

We could impose conditions that facilitate some form of community integration plan, with a requirement on the individual to attend interviews and tackle the factors that caused them to offend in the first place. That might include interviews with employers and contact with social work departments. We arrange interviews for prisoners in advance of liberation, but they do not always turn up. Such interviews might be with a housing department, a social work department or a drug support agency. We rely on that individual

following the process through, but often that does not happen. As a result, one benefit of using the home detention curfew would be to—

**Jeremy Purvis:** I am sorry to interrupt you. At the moment, those services are supplied by the link centres. However, as long as the curfew is in operation, you might have a tool that, for the first time, provides in a community setting a degree of the enforcement that you can currently bring to bear while the individual is in your care in the institution.

**Bill Millar:** I agree. There is an opportunity to use the curfew in such a way.

**Jeremy Purvis:** We will hear from the minister later in the process, but I realise that at the moment things are still at a very early stage.

**David Croft:** The greater the specific needs of the individual whom you are likely to release, the greater the risk that they will pose. As a result, in the interests of the public, you are unlikely to want to take such a risk. We need to strike a balance as far as those needs are concerned.

As for what we take into account in the risk assessment process, we give consideration to bottom-line issues such as the level of supervision that the individual needs in prison, the addiction issues that they might have, their conduct in prison and their family relationships. We then engage with partners in social work departments on matters such as the conditions to be set out in home background reports and the question whether the family even wants the individual to be released. Consideration might be given to any victim issues that could arise if the individual went back into the community. Although, in the bill, the Executive has not worked up anything like the range of issues that would be taken into account in a risk assessment, I imagine that those seven headlines would at least be included in the process.

**The Convener:** Bill, do you have any questions?

**Bill Butler:** The questions that I was thinking of asking have been covered, convener, so I will not waste the committee's time.

**Maureen Macmillan:** I wonder whether the panel can add anything to the SPS's comments about arrangements for assessing and managing the risks posed by serious sex offenders or seriously violent offenders.

**The Convener:** Is there anything that the witnesses want to add to what Mr Cameron and Mr Spencer have already said?

**Sue Brookes:** As the number of female violent and sex offenders is relatively small, the risk issues for them might be different. Perhaps we

should not miss this opportunity to take a fresh look at risk issues for female offenders and the extent to which they might differ from those for male offenders.

**The Convener:** If the witnesses have nothing further to add, I, on behalf of the committee, thank them very much for attending this afternoon's meeting. You might well have thought that we were covering ground that Mr Cameron and Mr Spencer had already covered, but I assure you that we have found it very helpful to speak to individual governors of prisons.

## Subordinate Legislation

16:13

**The Convener:** We move to item 4, which is consideration of subordinate legislation. As one of the instruments deals with civil legal aid, I declare an interest as an enrolled solicitor in Scotland.

### **Antisocial Behaviour (Fixed Penalty Notice) (Additional Information) (Scotland) Order (SSI 2005/130)**

**The Convener:** The order came before us at last week's meeting, when a question arose about the information that such a fixed-penalty notice would contain. I express my thanks to the Executive for responding swiftly to the inquiry that our clerks made on our behalf. Members should have been circulated with that response. As one of the members who raised the initial question, I am content with the answer that has been given. Are members content with the order?

*Members indicated agreement.*

**The Convener:** Thank you. That is helpful.

### **Civil Legal Aid (Scotland) Amendment Regulations 2005 (SSI 2005/112)**

**The Convener:** The regulations and a note from the clerk have been circulated to members. Again, they are subject to the negative procedure. Are members content with them?

*Members indicated agreement.*

### **Intensive Support and Monitoring (Scotland) Regulations 2005 (SSI 2005/129)**

### **Intensive Support and Monitoring (Scotland) Amendment Regulations 2005 (SSI 2005/201)**

**The Convener:** These two sets of regulations are grouped together and are subject to the negative procedure. Are members content with both?

*Members indicated agreement.*

### **Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2005 (SSI 2005/152)**

**The Convener:** Again, the rules are subject to the negative procedure. Are members content with them?

*Members indicated agreement.*

**The Convener:** We will now go into private session for item 5.

16:16

*Meeting continued in private until 17:00.*



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