

JUSTICE AND HOME AFFAIRS COMMITTEE

Tuesday 14 September 1999
(Morning)

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CONTENTS

Tuesday 14 September 1999

Col.

EVIDENCE.....	1
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JUSTICE AND HOME AFFAIRS COMMITTEE 4th Meeting

CONVENER :

*Roseanna Cunningham (Perth) (SNP)

COMMITTEE MEMBERS:

*Scott Barrie (Dunfermline West) (Lab)

*Phil Gallie (South of Scotland) (Con)

*Christine Grahame (South of Scotland) (SNP)

*Gordon Jackson (Glasgow Govan) (Lab)

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

*Kate MacLean (Dundee West) (Lab)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Pauline McNeill (Glasgow Kelvin) (Lab)

*Tricia Marwick (Mid Scotland and Fife) (SNP)

Euan Robson (Roxburgh and Berwickshire) (LD)

*attended

WITNESSES:

Mr Clive Fairweather (Her Majesty's Chief Inspector of Prisons for Scotland)

Mr Eric Fairbairn (Her Majesty's Deputy Chief Inspector of Prisons for Scotland)

Mr Mike Crossan (Her Majesty's Inspectorate of Prisons for Scotland)

Mr Brian Henaghen (Her Majesty's Inspectorate of Prisons for Scotland)

Dr Nancy Loucks (Her Majesty's Inspectorate of Prisons for Scotland)

Ms Susan Matheson (Chief Executive, Safeguarding Communities Reducing Offending)

Mr Rob Mackay (Acting Chair, SACRO)

Mr Derek Turner (General Secretary, Scottish Prison Officers Association)

Mr David Melrose (Chair, Scottish Prison Officers Association)

Mr Tony Cameron (Chief Executive, Scottish Prison Service)

Ms Ruth Sutherland (Private Secretary to Chief Executive, Scottish Prison Service)

COMMITTEE CLERK:

Andrew Mylne

SENIOR ASSISTANT CLERK:

Richard Walsh

ASSISTANT CLERK:

Fiona Groves

Scottish Parliament

Justice and Home Affairs Committee

Tuesday 14 September 1999

(Morning)

[THE CONVENER *opened the meeting at 09:35*]

Evidence

The Convener (Roseanna Cunningham): Good morning, Mr Fairweather—and the officials who have come with you. Thank you for agreeing at relatively short notice to speak to this committee. This morning, we want principally to examine some of the issues raised in the recently published “Her Majesty’s Chief Inspector of Prisons for Scotland Report 1998-1999.” I want to give you the opportunity to introduce the people who are here with you and to outline, for the record, what you do and how you go about your work.

Mr Clive Fairweather (Her Majesty’s Chief Inspector of Prisons for Scotland): I am not sure when the chief inspector of prisons last addressed this Parliament, but I am certain that he or she could not have been as privileged as I am to have such a large and independent team to assist me with inspections.

My team, which is here to help answer questions, includes: the deputy chief inspector, Eric Fairbairn; Dr Nancy Loucks, who is an independent researcher and criminologist; Brian Henaghen, who is our staff officer; and Mike Crossan, who is one of the inspectors.

In addition, I have a much larger team to call on, including independent medical, nursing, education and addictions advisers. We also second team members from as far afield as Northern Ireland, the English inspectorate, the English Prison Service and even from north America, to help with inspections. I always try to include an independent observer, to whom I give the task of monitoring how we conduct the inspection process—“Who guards the guards?” I am always looking for new ideas on how observers monitor the way in which we operate.

Members have our remit in their advance briefing notes. Our operation costs around £190,000 a year, which includes pay, travel, telephone, postage and printing costs as well as the costs of placing our reports on the internet and sending them out to whoever requests them.

It would be impossible to cover my annual report

in the next five minutes, but I will attempt briefly to outline how we set about our inspections and the main themes, as I see them, emerging from our prisons.

I would issue the reminder that the inspectorate is not an auditor. Instead, I am a layman, and—as the chief layman—I have directed the team to judge prisons along the following lines. Are they safe? Are they decent? Most important, what are they doing to reduce the number of victims of crime in future?

Why be so concerned about safety? It is the public will and the courts that send individuals to prison. However, offenders are sent into custody as punishment, not for punishment. In the case of remand, they are sent to await determination of innocence or guilt, or of their sentence. On behalf of the public, I take the issue of prisoners’ safety as a very high priority, especially in relation to the suicide risk. When I first step into a prison on an inspection, I remind myself to ask the question, “What are the risks of dying in this place?”

Even before that, I ask whether Scottish prisons are safe for staff. In the past year, there were two suicides among staff and 17 serious assaults on prison officers. I suggest that the job of prison officer carries a great deal more risk than many other occupations do.

As for prisoner violence, we have, I hope, moved away from the era of serious rooftop sieges and the like. Nevertheless, there were 129 serious prisoner-on-prisoner assaults last year, many of which were, I believe, related to drug debt. Although there were 20 deaths in custody last year, I wish to praise the work of medical services in prisons, which, in the past few years, have improved almost out of all recognition. The treatment that most prisoners receive is comparable with what they could expect in the community. That is exactly how it should be—no more and no less.

There is, of course, the terrible problem of suicide: there were 14 suicides last year, nine of whom were remand prisoners. That figure comes out of the total of 20 deaths. The suicides happened despite the recent introduction of a revised anti-suicide strategy, and we think that almost everything that can be done is being done. In particular, I want to underline the quite excellent induction arrangements at HMP Inverness.

We could be here a long time discussing everyone’s opinion of what is decent. I base my standards on those of other public institutions, such as hospitals or state schools, and I believe that there should be very little difference between those and the places to which offenders or alleged offenders are sent compulsorily. Were it not for the problems of slopping out, which will not be

eradicated until the year 2004, I would now be reasonably satisfied with conditions in Scottish prisons.

However, there are exceptions: HM remand institution Longriggend is a pretty isolated and run-down place. On balance, I think that it could probably be closed, now that prisoner numbers are steady across the whole of the Scottish Prison Service. I do not think that the wooden huts—or what goes on in them—at HMP Low Moss are decent. We should not overlook conditions at Barlinnie. It is Scotland's largest prison, with up to 20,000 receptions a year. Although I am pleased to note that conditions there are improving, they are still pretty basic.

On the prevention of future victims of crime, I have to say that the SPS record on containment is excellent. There have been very few escapes in recent years and that aspect of public protection compares extremely well with the record of prison services elsewhere.

There is, of course, a second part to the equation—rehabilitation and the tackling of offending behaviour while criminals are locked up to stop or reduce the possibility of their committing further crime on release. Until now, my perception is that the SPS has rightly tended to concentrate on serious or persistent long-term offenders. I believe that the system for them is now relatively effective, but the SPS still has some way to go in other areas, especially in relation to young offenders. However, now that overcrowding could be coming to an end—thanks mainly to the construction of a new prison and several new builds within existing perimeters—a window of opportunity has been created for staff to concentrate far more on dealing with rehabilitation at all locations.

Drug misuse is probably the biggest problem for the SPS. Many individuals who are in prison are there because of crime connected to feeding a drug habit. We can still do more to try to reduce their habits so that, when they come out of prison, they are less likely to return to drug-related crime. There are, of course, serious health implications, which need to be considered.

In conclusion, I believe that, here in Scotland, we are now moving out of 19th century conditions. This committee is examining a system which has been steadily improving for some time, and which soon might be described as being fit for the 21st century—provided that further sustained progress is not dissipated by a return to serious overcrowding.

I would summarise short-term future requirements as the need for more decisive action over Longriggend and Low Moss. In the medium term, the Scottish Prison Service should publish a

more coherent policy for young offenders, especially on the selection and training of prison officers. We have assurances that publication of that policy is not too far away.

09:45

We should continue to try to reduce the female prison population. Doing that would not compromise public safety and, more important, it could save young lives. In due course, perhaps some of the principles involved ought to be extended to males.

Finally, the SPS could be more consistent in its treatment of remand prisoners. There are indications that treatment is improving, but it could be more consistent. Early next spring, we will publish a thematic report on our findings on the treatment of remand prisoners.

The Convener: Thank you. I suppose that it is only fair to say that, in this kind of forum, you will be asked questions about some of the black spots and some of the problems. You said that you were satisfied that the issue of overcrowding appeared to have been addressed, but that it was still a problem in a number of prisons. Are you saying that your fair words are intended more for the future and are based on the assumption that present trends will continue, but that we could still end up throwing the situation into reverse gear, either because of changes in attitudes to custody or because of continued problems with the physical fabric of buildings, which, I notice throughout your report, is still an issue?

Mr Fairweather: As at 31 March, there was spare capacity in the system for the first time in a long while. It amounted to approximately 200 places and came about because of the construction of the new prison at Kilmarnock and a number of new house blocks, such as at HMP Edinburgh. At the same time, the prison population steadied at approximately 6,000; it has not edged up much more since. In theory, at 31 March there was spare capacity. Indeed, that has continued to be the case; at times, spare capacity has been as much as 300 or 400 places.

That is in theory; the practice is slightly different. Prisons are not like hotels. Because of the problems of categorisation and so on, x number of places cannot automatically be filled by prisoners, and so the figures never fully match up. A large refurbishment programme is going on in the background, and the Prison Service has always been dogged by the fact that there is never enough spare capacity. Prisoners cannot be moved on to the streets. Everyone must be moved around carefully. The spare capacity allows the refurbishment programme to continue, so some halls will be closed sequentially.

I suspect that that means that pockets of overcrowding will continue for the next couple of years at least, although, in theory—provided that the prison population steadies at 6,000—there will be spare capacity to allow the refurbishment to take place. However, if numbers begin to edge up again, that will affect the refurbishment programme and reduce the Prison Service's options. Of course, if we have overcrowding again, it will reduce the ability of the staff to continue various programmes; they will be forced back into dealing only with what is in front of them.

To summarise that complicated matter, I should say that, at the moment, the situation looks optimistic. There is a window of opportunity ahead, but an awful lot will depend on the climate and on crime as to whether the prison population edges up. However, I must be the only chief inspector in recent history to be looking at a prison service that is not, in theory, overcrowded.

The Convener: Obviously, members will want to ask questions about specific establishments—as will I—but we will start the discussion by talking about some of the more general issues.

Phil Gallie (South of Scotland) (Con): On overcrowding, I note that your report states that 60 places are out of service for policy reasons. Could you define policy reasons? The report also suggests that, despite the overprovision of places—that is the gentle phrase—Barlinnie prison is 32 per cent overcrowded. Why is that?

Mr Fairweather: The answer to your first question—my team may want to comment on this—is that places must always be kept free for policy reasons. Spare capacity is needed because, if there is trouble in a prison, there must always be somewhere to decant inmates to. The number is kept to the absolute minimum, but it will always be required.

When I first inspected Barlinnie, it was hugely overcrowded. The figure has come down considerably to 32 per cent. The difficulty at Barlinnie is that various halls are being refurbished, with WCs being put in the cells. D hall has been refurbished, but other halls have to be refurbished in due course. That will take the next four to five years. During that time, halls will be closed, because refurbishment cannot be done around the inmates.

Phil Gallie: With the greatest of respect, according to your report, only 101 of the total number of prison places available are out of use because of refurbishment. Unless all 101 places are at Barlinnie, refurbishment is not a major cause for overcrowding.

Mr Fairweather: Although work is taking place in Barlinnie, it must be phased in in all the other establishments. Overcrowding goes round in a big

circle, so to speak. Just now, Barlinnie is 32 per cent overcrowded. That figure may be down slightly this week; I have not looked. Mr Crossan can comment on that.

Mr Mike Crossan (Her Majesty's Inspectorate of Prisons for Scotland): There have been significant developments since the publication of the report. Probably the most important one was the opening of HMP Kilmarnock, which was not fully operational on 31 March but is now providing 500 additional prisoner places. Barlinnie benefited probably more than any other establishment in Scotland from that. I know that the period is too short to justify talking about a trend but, as a result of Kilmarnock opening, overcrowding at Barlinnie does not exist, according to the recent statistics.

Over time, Kilmarnock has become fully operational. It has now taken its full capacity of almost 500 prisoners. Because of that, Barlinnie has been operating at approximately 98 to 99 per cent of its capacity for the past two months, if we take into account the number of places that are unavailable to the governor. The operating capacity with regard to the number of available spaces is in the region of 93 to 94 per cent.

There are small pockets of overcrowding in some establishments—in Cornton Vale and in Perth, for example—but that is due to the refurbishment programme. Overall, there now seems to be alignment between the prison population and the available capacity, despite the number of places that are out of use for a variety of reasons.

The Convener: Does that mean that the institutions that were between 10 and 15 per cent overcrowded at the time of the inspections—Aberdeen, Edinburgh, Inverness, Polmont and Greenock, for example—were overcrowded for the same reason?

Mr Fairweather: The figures will have changed. I cannot update you on all of them.

The Convener: I understand that.

Mr Fairweather: The figures apply to 31 March. We try, in addition, to take an average figure over the year for those institutions that were significantly overcrowded.

Scott Barrie (Dunfermline West) (Lab): In your introductory remarks, you said that the biggest problem facing the Prison Service was probably drugs misuse. You said that more had to be done to help people to give up their habit when they were in prison. Could you give us examples of good practice in any of the institutions that you inspected during the past couple of years?

Mr Fairweather: Drugs are a huge problem. That is a subject in itself, but I will try to keep to examples. As I said in my initial remarks, the

reason why the problem is so great is that a lot of people are arriving from the community with a drugs problem. Overcrowding was a central issue, but it has now been addressed. Drugs come into the frame after that. Of course, drugs misuse leads to more crime, which feeds back into the circle of overcrowding. It is also, because of drug debt, at the root of a lot of violence, and in some instances is connected to suicide. We cannot look very far into prisons without coming across the issue of drugs misuse.

What goes on in each prison is different. I could not say that all prisons have the same drug problems. That comes down to where the people come from, where the prison is, the history of the prison and whether the prison is an open one. At one end of the scale, Cornton Vale has a huge drug problem in terms of when individuals arrive. However, positive results in mandatory drug tests stand at around 8 per cent, so the level of drug taking in that prison is not particularly high. On the other hand, in Aberdeen, 80 per cent of prisoners say that they have a drug problem on admission and 90 per cent of young offenders say that they were taking something before they arrived. However, the mandatory drugs testing figures are down in the region of 39 per cent, which indicates that the prison is having some effect on the level of drug taking.

Dungavel has had a huge effect on the incidence of drugs misuse. When we first went there in January 1998, the random mandatory drugs test figures stood at about 61 per cent. When we went this year, that figure was down to 11 per cent; there had been an enormous change. I am told that, as of today, the percentage is down in single figures. Dungavel is perhaps unusual, as it is poised between closed conditions and open conditions—provided that prisoners do their stint and are drug free, they can go on to open conditions and eventually return to the community. By using that incentive, and by substantially reducing the supply of drugs at visits through improved intelligence and so on, the incidence of drug use in the prison has fallen dramatically.

The use of medical services can be a helpful indicator of how much the problem of drugs misuse has changed. When we first went to Glenochil prison, we found that the medical services were inundated with prisoners with all sorts of complaints. That number has fallen by 50 per cent, which suggests to me that the incidence of drugs misuse has come down.

You asked what more could be done. That depends on the type of prison. I am a little concerned that, although long-term prisons such as Glenochil and Shotts have good systems for dealing with prisoners and their addictions—including alcohol—young offenders institutions

such as Polmont have relatively low mandatory drugs testing figures, which means that the resources to tackle education and rehabilitation are not as great as they are elsewhere. That is why young offenders institutions should be more of a priority.

The same applies to short-term prisoners, by which I do not mean those who are in for a few days. In the past, the Prison Service has rightly concentrated on long-term persistent offenders and long-term addicts. Now, however, we need to shift some of the resources towards young offenders and short-termers. Does that give some sense of what we are looking for?

Scott Barrie: Yes.

The Convener: I think that we are all struck by the enormous disparities from prison to prison, which, to the objective layman, is puzzling—one would imagine that there would be national strategies. When we see such disparities, it is hard to understand what it is about certain institutions that creates good results, while other institutions have poor figures. Clearly, the issue is complicated, but can you encapsulate in a couple of sentences how this enormous disparity comes about?

10:00

Mr Fairweather: The first factor, as I said, is where the prison population comes from, as there are enormous disparities in drug use throughout the country. The next factor is the geography and history of the prison and the place that it occupies in the prison structure. There is a big difference between drug taking in an open prison and drug taking in a closed establishment of long-termers. This is a complicated subject. I would not want to feel that individual prisons that are not getting a hold are being criticised. There can always be more co-ordination, but the problem is much more complicated than that.

The Convener: Scott, did you want to come back in?

Scott Barrie: At the end of his speech, Mr Fairweather started to address the fact that the issue was not just about preventing drugs from entering prisons—although that is important—but about the rehabilitative process in prisons. It is one thing to stop drugs entering prisons but, if people are leaving prison with some form of habit, we are not going to stop the whole process. If we cannot stop that process in a closed establishment such as a prison, we have precious little chance of stopping it in communities.

Tricia Marwick (Mid Scotland and Fife) (SNP): Mr Fairweather identified young offenders—particularly those with short sentences—as the

group that should be targeted. Is that a question of resources or of commitment?

Mr Fairweather: It is not so much a question of more resources as one of a gradual switching of some of them. It is not a question of commitment either. When I have visited places such as Polmont, my feeling is that we do not have too much of a problem there. The reason for that is that a lot of young offenders are not organised. They come from all over Scotland and have not organised the routes in—they tend to take whatever they can get hold of—whereas long-termers are much more organised. I get the impression that, because staff and management there do not have to deal with major addiction problems, they feel the way in which that prison is being managed is fine.

My feeling is that we should take a hammer to crack a nut. Even though the random mandatory drug testing figures are relatively low, we should do everything that we can to get them even lower. In the past, the Prison Service has rightly focused on the long-termers and on the control of drugs. Perhaps there is more space in the system now, and we should shift our focus to consider young offenders as well.

Tricia Marwick: If, as you say, drugs have now replaced overcrowding as the central problem in Scottish prisons, should not all establishments make a concerted effort to address their drugs problems, so that people, particularly young offenders, can enter a drug-free environment or at least have the opportunity to come off drugs before they are returned to the community? Is not this an ideal opportunity to put in place the kind of programmes that are perhaps missing in the wider community?

Mr Fairweather: I agree that this is an opportunity. I shall get my team to answer in a moment, otherwise I shall sound a bit single issue.

When we were first considering prisons, five or six years ago, there was not the same mention of drugs. I do not think that the problem was as bad then, but it has been growing since. So, too, has the response, and it always takes time for the responses to catch up. Random mandatory drug testing was introduced in a hurry; a lot of resources were put in that direction and fewer resources were put into rehabilitation. The Prison Service has a limited budget. Prisoners are always saying, "You have all this MDT but you are not doing enough for my problem." However, that help is now coming. There is much more of a co-ordinated approach. There is a central co-ordinator in Prison Service headquarters and we are coming across high-level drugs co-ordinators in prisons. Three years ago, I was saying that we needed addictions workers, but others were saying that we did not. The perception is

changing, however, and the resources are moving in that direction.

It would be wrong to send anyone to prison simply because it is a good place to treat them for a drug problem. However, while they are there, we might as well use that opportunity to do something about the problem. Eric, do you want to add anything?

Mr Eric Fairbairn (Her Majesty's Deputy Chief Inspector of Prisons for Scotland): One of the issues that Mr Fairweather raised concerned the adoption of a more co-ordinated approach. The drug problem in prisons reflects the drug problem in the wider society. Perhaps there is scope for better integration of the various agencies, so that they can work together. The Scottish Prison Service could perhaps become more involved in dealing with the whole issue of drug misuse. A prisoner may be offered the facilities and take the chance of rehabilitation to get off drugs, but if that prisoner returns to an environment or home in which drug misuse is an issue, the chances of his staying clean would be diminished.

We cannot treat the problem in prisons in isolation, although things could be done, and are being done, to provide a more integrated and co-ordinated approach in the prison system. We cannot treat drug problems in prison on behalf of society; we must see the wider picture and adopt a more comprehensive approach.

Tricia Marwick: I accept what you are saying, Mr Fairbairn, but the fact that there is a problem in society does not mean that people should not be helped to deal with their drug addiction in prison.

Mr Fairbairn: Absolutely not.

Mr Fairweather: In an ideal world—I do not think that we will ever be in this position—the most important thing that the Prison Service could do in addressing drugs problems would be to hold an induction at the start of a sentence, to measure the size of the problem and how it could be managed. Thereafter, as that sentence went by, a number of options would exist.

The next most important thing, if it could be done—I have tried to implement this idea before, but there are all sorts of problems, including finance—would be somehow to run the last two months of an individual's sentence from the community, with the funding coming from there. Then we would really have a hold, as the people who were most interested would take the situation on. No matter how much the Prison Service manages things—and it is interested in passing individuals on when they leave—its interest is much less when individuals come to the end of their sentence. If that last bit was run from the community, we might begin to be more effective. However, I am not sure how that could be done.

The Convener: You are suggesting that we might want to consider whether the SPS should be financially responsible right at the end of the sentences, or whether the funding burden should be shifted.

Mr Fairweather: I wonder. The SPS has an enormous financial burden, and is juggling its finances all the time. The rest of the community is doing that, too, but I sometimes wonder about the idea of a drug action team.

The Convener: That is an interesting comment, which people may want to follow up.

Christine Grahame (South of Scotland) (SNP): Good morning. Like you, I find the report damning on Longriggend and the strange mix of people there. I come to information about the Prison Service as a civil lawyer—an ordinary punter—and I am appalled to find that Longriggend has such a mixture of young males on remand, people who are about to be deported and adult prisoners. Despite what you say in the report about the new governor, who appears to be working hard against a bad system, the lack of a national strategy for young offenders seems to be the paramount problem, covering drugs and the other things that we have been talking about. Your briefing notes say:

“The SPS should publish a more coherent policy for young offenders, especially the selection and training of prison officers”.

The report also says much about the state of the building at Longriggend.

Will Dr Loucks describe what would be required of a national strategy? Our approach seems to be piecemeal. We need to do something when we catch young offenders, to prevent them from becoming recidivists who are in the system permanently.

Mr Fairweather: We have inspected all the young offenders locations during the past 18 months. At the start, we were aware that individual establishments were doing their bit and doing it very well where they could. However, as we went along, we sensed that the Prison Service had sorted out long-termers and the like, and that it needed to switch its attention to young offenders.

We have seen the odd draft copy of this policy and I am assured that it will appear later this year. Dr Loucks is doing a study on the subject at the moment, but I do not know how much is available for publication. The key, however, is not in the written policy; it is in the selection and training of officers. Up to now, prison officers have tended to go to particular establishments because gaps needed to be filled. That situation cannot be changed overnight but, bit by bit, we need to select by saying, “You are better with adolescents than he or she is.” That would make the change.

That has already happened at Polmont, which is one of the main young offenders institutions—the staff have been selected and trained to deal with first offenders, and the change is palpable. That policy could form the bones of the strategy. Eric, do you want to add something before Nancy answers?

Mr Fairbairn: One of the things that must be recognised is that young offenders are not small adult prisoners; they have their own specific needs. As Mr Fairweather pointed out, the priority in the past has been to deal with adult long-termers, who have proved to be more dangerous to society. It could be risky, as the SPS has recognised, to say that what we have developed for long-term adult prisoners could be adjusted to fit every other type of prisoner in Scottish prisons.

Christine Grahame: Are you talking about a completely different way of handling young offenders?

Mr Fairbairn: Yes. It is being recognised that a young offender is not a small adult prisoner. In the past, it was assumed that what worked for a particular group should work for the rest. We need to recognise the differences between adolescents and people of 25 or 35.

Christine Grahame: Do you want that to be applied nationally? That is what I am getting at.

Mr Fairbairn: Yes.

Christine Grahame: At the moment it seems to depend on where the young offenders land up.

Mr Fairweather: It is coming.

Dr Nancy Loucks (Her Majesty's Inspectorate of Prisons for Scotland): The Prison Service is beginning to pilot projects on working specifically with young people. At Polmont, a staff training programme on working with adolescents is beginning to identify them as a distinct group with distinct needs. As far as I know, Polmont is the only place that has tried that approach so far. If the approach is successful, I hope that it will spread to the other young offenders institutions.

As Mr Fairweather suggested, more information about the young offenders institutions will appear soon. A long-term project on young offenders was completed at the end of December; the report should be released by the end of the year. Research on under-18s—particularly female under-18s—is being completed as we speak. I hope that when that information is available, within the next few months, it will give a better idea of the distinctive needs of young people.

The Convener: Who will publish the research?

Dr Loucks: The young offenders research is a Scottish Prison Service publication. The under-18s work is an internal document at the moment,

which is being completed through the social work services group.

The Convener: We would like to feed into the system the desire of this committee to see the research when it is published.

Mrs Lyndsay McIntosh (Central Scotland) (Con): I come late to the discussion; you have already answered many of my questions on the drug problems in Scottish prisons. You mentioned addiction advisers. Could you tell us a little more about that idea?

Secondly, I am particularly interested in education for prisoners, once they are within the four walls.

10:15

Mr Fairweather: With regard to my team, I take an addictions adviser with me on inspections. A variety of people have been in that role, one of whom was an addictions worker from Cambridge. More recently, I employed someone who has much work experience in prisons in Scotland. I use him to assess independently the programme and overall strategy that the prison is running, and that assessment is part of my report. He looks not only at misuse of drugs, but at alcohol misuse.

To elaborate, we talk about drugs and think immediately of cannabis and heroin, but although alcohol is not a problem while people are in prison, it is a big problem for many of them when they arrive. We examine not only what the prison is doing about drug misuse but what it is doing about alcohol misuse. For example, about 50 per cent of prisoners admitted to Barlinnie have an alcohol problem, and Barlinnie has an alcohol programme to deal with individuals while they are there.

A few years ago, I said that we needed more addictions workers in prisons. At that stage, the problem was one of funding: who would pay for addictions workers? Should the Prison Service or the community pay for them? Bit by bit, most of the prisons have acquired either full-time addictions workers—who might be trained prison officers, civilians, or a mixture of the two—or workers who are partly funded by the community.

For example, we have just finished inspecting Dumfries, where there is a fairly big drug problem in the community as it sits on the main drug route. We have suggested that one of the ways in which to deal with the problem of addictions is to establish a jointly funded post of addictions worker—someone from, perhaps, Dumfries and Galloway Health Board, who would work part time in the prison and see the process through. The same process occurs in Cornton Vale, where individuals arrive from and return to Glasgow; most of the drug problem comes from the greater

Glasgow area.

Funding—and how much joint funding we want—is at the root of the problem. Joint funding is beginning to take place, but when I started, there were fewer addictions workers. I remember suggesting that there should be at least 10 across the Prison Service. I have not looked at the figures recently, but I imagine that if we added all the workers together, including trained officers, the total would be double that, if not more.

Mrs McIntosh: Can you comment on education?

Mr Fairweather: During our inspections, we examine what the prisons offer on education. All prisons have an education programme of some sort, depending on resources and so on. All have contracted out education; the programmes are run by contract from outside, by colleges, for example. Funnily enough, Longriggend has one of the best education programmes that I have seen, although other things that go on there are not so good.

The root of education is in what the prison is doing for prisoners who cannot read or write and who have esteem problems, and in what short-term measures can be introduced to help to improve prisoners' preparations for going back out into civilian life—I am most interested in that.

Only last week, I was at Longriggend, which deals with remand prisoners. While this may not be quite the right answer, I was delighted to see young men—those who were literate and who wanted to—working on computer programs and gaining a sense of how to deal with computers. Other prisoners were being helped with basic English and so on. Education services also included Open University courses for longer-term prisoners.

My question about education is: what can we do to help individuals who have basic education needs, so that they can cope when they come out of prison? I have come across other excellent examples, although they might not be relevant to education. For example, we have had many inquiries about Polmont, which is, I think, the only institute where speech therapy is provided to help individuals who have esteem problems.

I do not know whether other members of the team want to add anything on education, but while we could always do more for remand prisoners, we must remember that education is voluntary and that we cannot compel people to get involved. Perhaps we could do with more resources, as there are always more prisoners who want education than there are spaces. However, I do not get the impression that there is a crying need for more resources. We are reasonably satisfied with how the education programmes operate.

Mr Brian Henaghen (Her Majesty's Inspectorate of Prisons for Scotland): We are satisfied with the amount of education provided in prisons. We take an education adviser on our inspections—his reports are generally favourable about what goes on in each establishment. He examines the details, including the contracts, and speaks to the colleges that provide the education. As Mr Fairweather said, prisons do well on the education front, although more could be done, as with many other issues. Generally speaking, the education programmes are very satisfactory.

Mr Fairweather: We need to tighten the links between prisons, covering individuals who are moved from one prison to another. However, links are improving through the use of information technology. Education programmes should also be the same in each prison. An excellent co-ordinator at the Prison Service headquarters is pointing the education programmes in that direction.

Gordon Jackson (Glasgow Govan) (Lab): Many people go into prison for very short periods, which might have a bearing on both overcrowding and management of the drug problem, as people who go into prison for a short time provide a route for drugs.

I share the view that we should do something about short sentences and that we should not imprison people for fine defaults or for very short periods. Does Mr Fairweather have a view on that? I appreciate that, in a sense, it is not his remit, but I am interested in his view on how the management of prisons is affected by short sentences.

Mr Fairweather: I will turn to my advisers, both of whom have had to manage prisoners on short sentences. Mr Jackson is right to say that his question does not fall within my remit, which is to examine prison conditions. However, my personal view on individuals who are inside for four or five days is that I have my doubts about what can be done with them in a few days. My fingers have been burned a couple of times on the issue of fine defaulters. When one digs deeper into the matter, one finds that in many cases individuals such as women prisoners in Cornton Vale have not been imprisoned for fine defaults alone. The fine default charge might be in addition to many others. I am not vehement about whether it is a good way of dealing with people who have been charged with fine default, as normally it is more complicated than that.

Many individuals who have short sentences, such as those at Low Moss, are completing long sentences by instalment. Some of the prisoners in Low Moss are in and out regularly, which produces the problem of what is done with them over such short periods. Should resources be committed to providing them with drug education

and so on? I am not talking about prisoners who are in for a matter of days—we need to shift more resources towards action on drug misuse and so on for those who are doing time of perhaps three or four months.

I ask Mike Crossan to address that point, as he has been in Barlinnie for some time and has seen the 200 prisoners who arrive every Monday and what is done with them thereafter.

Mr Crossan: I confirm that this point is not within our remit. However, my personal experience is that a number of people who enter prison for fine defaults in particular, having been handed down the alternative sentence of seven days in prison, are admitted on a Thursday and liberated on the Friday, because of the nature of the legislation. That poses particular problems and creates burdens for management. A person who enters prison on a seven-day sentence and who is liberated the following day goes through the same assessment process, identifying the risk of self-harm, as someone who has been sentenced to 10 years. The transient nature of a significant part of the population in large establishments such as Barlinnie, Perth and Edinburgh causes a number of problems.

As Mr Fairweather said, people also do life sentences in instalments and are constantly in and out of prison. It is extremely difficult to know what to do with that group of prisoners. They are not in prison long enough for their needs to be identified; there are also a number of social issues that the social work department does not have time to deal with. Overall, it is difficult to find a solution to the problem posed by that small but significant group of individuals who are constantly in and out of prison doing short sentences. As I said, anyone who comes in for 30 days is out again within 15 days and so on, and it is extremely difficult to know what to do with them.

Gordon Jackson: What percentage of the prison population has sentences of under 30 days—that is, prisoners who are inside for a very short turnaround—at any one time?

Mr Crossan: We do not keep statistics for sentences of under 30 days—I think that the inspectorate's statistics are for sentences of under a year. It is unfortunate that we do not have that information.

Mr Fairweather: I cannot provide the information now, as I would give the committee an inaccurate answer. We can look it up and provide an answer later.

Dr Loucks: The most recent published statistics from prisons show that, of 23,000 receptions into custody in 1997, almost 11,000 were fine defaulters—although fine defaulters can be imprisoned for other reasons—whereas just over

12,000 were as a result of direct sentences. Therefore, fine defaulters represent quite a high proportion of receptions into custody, which has implications for staff time.

Maureen Macmillan (Highlands and Islands) (Lab): I want to pick up on what Mr Fairweather said about the terrible problem of suicide in prisons. He said that Inverness has excellent induction arrangements. Can he explain what those arrangements are and how they could be transferred to other prisons? I know that Inverness is a local prison and that the local population is different from that of, say, the central belt. However, perhaps he can talk about good practice.

Mr Fairweather: The drug problem in Inverness is not as bad as it is elsewhere, and that combines with other factors to explain why there has not been a suicide in Inverness—to say that makes me a hostage to fortune. One factor is the difference in drug misuse; undoubtedly another is staff effort and close working arrangements; another is the induction procedure, which is the best that we have seen. The procedure involves the assessment of individuals' needs, of their drug problems and so on and of their circumstances. They are then given an idea of what lies ahead for them while they are in prison. The procedure lasts considerably longer than induction procedures at other locations, and I will ask the deputy chief inspector to describe some of the details of the procedure.

On the other hand, we have just spoken about Barlinnie, where up to 200 individuals might arrive on a Monday night. Whether it would be possible to transfer a week-long induction programme to Barlinnie, bearing in mind that many of those prisoners are liberated on the Friday, with another 200 arriving, is a more difficult question. I keep reverting to induction, whether in relation to drugs or whatever. Once one can measure and focus on an individual better, one has a better idea of how to deal with that individual in future.

Perhaps the most important point is that it should not be just a happening—a process needs to be created. In the past, induction has tended to be, "Look, you're in here: have a quick briefing and on you get with your sentence." We need to consider it much more as a process that could last for not just a few days, but a longer period, until such time as the prisoner—whether on remand or convicted—is able to get on with their sentence on their own with a personal officer.

10:30

Mr Fairbairn: As Mr Fairweather said, the number of prisoners is an issue. Barlinnie has 200 admissions on a Monday or a Tuesday, a situation

that is certainly not replicated in Inverness, which deals with smaller numbers. In Inverness, the approach is one of helping the prisoner to understand what will happen in the first 24 hours.

For remand prisoners in particular, the transition from being on the street to being in prison can be swift, disorienting and often bewildering, especially if it is overlaid with drug or alcohol abuse. During the first 24 hours, things are explained to the individual and staff check that he understands what will happen. Often the prisoner's location is a big question; one of the first questions prisoners ask is, "Where am I and what happened?"

Another element is assessment of risk. Is the individual likely to cause self-harm? Is the individual at risk? Does he understand what is going on? What are the mental health and drug addiction issues? Once that is done, we need dedicated staff—by that I mean staff who are dedicated to that task, not that they are any more committed to that task than to any other—to assess the needs. That links with being able to do something helpful.

Information on statistics is collected at Inverness prison. It was found that a high percentage—over 65 per cent—of prisoners entering the prison claimed or admitted to having an alcohol problem. In contrast, about 15 or 20 per cent said that they had a drugs problem. The focus for Inverness prison was to develop programmes or links with the community to address the alcohol issue and to give support on impulsiveness—when people are unable to cope with rejection and unable to understand what to do when someone says no, other than reacting violently.

After every prisoner is inducted to Inverness, the staff check how they are doing. The input covers chaplaincy, education and social work, so that several issues can be addressed. Before the individual is released, the staff go back again, look at the questionnaire that was filled out and ask, "What have we done? What have you done? What remains to be done? What links into the community could we help to re-establish?" Those are the reasons why we were particularly impressed by Inverness prison. However, Inverness is a small, Highland, local prison.

Maureen Macmillan: How does the ratio of staff to prisoners in Inverness prison compare with Barlinnie, for example? Presumably you need dedicated prison staff to carry out such programmes. In a prison such as Barlinnie, where 200 people come in at a time, is the staff:prisoner ratio lower than in Inverness? Cannot something similar be done on a larger scale?

Mr Fairbairn: The issue is not so much about numbers. The Barlinnie prisoners tend to come when the courts rise and people are taken up to

the prison. The prison must then process those people quickly and deal with the immediate situation.

Maureen Macmillan: It is a flood.

Mr Fairbairn: Yes. It is peaks and troughs.

Mr Fairweather: The Scottish Prison Service has probably the best induction system that I have seen anywhere for long-term prisoners. Those with long-term sentences go to Shotts. It is the best and I would imagine the envy of most other prison services. Yet at the same time we say in our recent report that we need to have an induction system for young offenders with long sentences. We do not have that yet. Everywhere I find pockets of good examples and other places that need to catch up. In the case of somewhere such as Barlinnie, I find a prison where it is not quite so easy to apply the principles. We are highlighting the whole business of induction.

Phil Gallie: This morning you stressed that we should continue to try to reduce the female prisoner population. On average, at any one time, of over 6,000 prisoners, 199 are female. Three per cent of the prison population is female. Does that relate to evidence that females participate in only 3 per cent of crime in Scotland?

Mr Fairweather: Not quite. In general, what strikes me most as a layman when I go to a prison such as Cornton Vale is that the women have a totally different nature from that of male prisoners. Their crimes are shoplifting or prostitution rather than doing in cars and so on.

When I am in female prisons, I do not sense threatening behaviour as I do in the male prisons. I have a strong sense that the prisoners are poor, deranged individuals who are confused by drugs and by their whole background. Nothing has struck me more than the difference between women in prison and their male counterparts.

Even when women take drugs, they do so for a totally different reason. It appears to me that they do so not for macho reasons but to get away from themselves. They are very different. In the past, I have described them as bedraggled. I have not seen men in such a condition.

Some of those in Cornton Vale need to be there for a long time, but they are a tiny proportion at one end of the prison. There is probably a middle group that needs to be there. Each time I go, I see another group and I wonder why they are there. Obviously these women have committed a range of minor offences—they are nuisances—but I do not think that they are a threat to public safety. In many cases, they are a bigger threat to themselves while they are in prison.

The Convener: I am going to allow this discussion to run on a wee bit. I am conscious that

we are running over the time that we allocated unofficially, but many members still want to ask questions. I certainly would like to follow up what Mr Fairweather has just talked about; what he describes in his report as the vulnerable population in Cornton Vale.

I have read some of the summaries of Dr Loucks's research. Dr Loucks, will you say a few words about the complex history that so many of those women exhibit? From your research, I understand that about 82 per cent of the inmates have experienced abuse: that includes 46.7 per cent who have been sexually abused and 60 per cent who have been physically abused. Will you tell us a little about the nature of the population in Cornton Vale and the demands that are put on the prison system if we use prison as a way of dealing with those women?

Dr Loucks: I emphasise what Mr Fairweather has already said about the group being very different from the male prisoner population. Physical, sexual and emotional abuse is just part of their vulnerability. The high proportion of drug use compared to that of the male population is prominent. Eighty-seven per cent of female prisoners had used drugs in the past and about half the population considered themselves to be addicted to drugs.

The Convener: What kind of drugs? Is it the same pattern of drug taking as for male prisoners?

Dr Loucks: No. Women tend to be involved in multiple types of drug use—they use more than one type of drug. They are more involved in using opiates such as heroin. They are more likely to be addicted to drugs and to develop addictions much more quickly than men—that is on the outside as well as inside prison. They are less likely to inject while they are in custody, but they continue the problems of addiction while they are there. The distress of withdrawing from those drugs when they arrive in prison is a much bigger problem in Cornton Vale than it would be in men's prisons.

Drugs are a small part of the picture. The problem of suicide and self-injury is generally much more prominent among the female population. About one third had attempted suicide before ever reaching Cornton Vale. That does not begin once the women enter custody; they are vulnerable before they even arrive.

Only 1 per cent of women convicted of a crime in Scotland are convicted of a violent offence. There is not the same proportion of dangerous offences. It is much more those who commit the petty repeat offences who are ending up in custody.

The implications for staff are extreme because they have to deal with a very vulnerable group. If staff are accustomed to working with prisoners in

other SPS establishments, it is a completely different experience. Staff are asked to be not only prison officers but doctors and counsellors and to deal with all sorts of other things in which they are not necessarily trained and which they should not be expected to deal with. That is a vague sketch of the problems.

Phil Gallie: Does Dr Loucks call shoplifting petty crime? Once again, I would say that it was a multimillion-pound crime.

Dr Loucks: A much higher proportion of women are involved in shoplifting; a disproportionate amount are involved in shoplifting as opposed to other types of offences. Those are the types of offences that would not normally merit a custodial sentence. The women end up in custody because of repeat shoplifting, often, for example, to feed a drug habit. It is not that shoplifting is not a serious crime; it is that the types of crimes that they are committing would not normally justify a custodial sentence. They keep on coming back because of reasons unrelated to the offence; they are committing those crimes to feed drug abuse, for example.

Tricia Marwick: The report refers to ministerial support for halving the daily female prisoner population by the end of 2000. How realistic is that?

Mr Fairweather: I was the author of that part of the report. The report, "Women Offenders—A Safer Way", said that the aim of the various strategies was to reduce the number of suicides and people dying in Cornton Vale. The goal was to try to reduce the population, which was then about 170, to less than 100 by the end of 2000. I felt that that was an attractive and realisable figure in terms of the seriousness of the offences for which individuals were in Cornton Vale. I thought that it was an aim that would catch the imagination. I did not necessarily feel that it was realisable in that time scale, but thought that nevertheless we should try to achieve it.

It must be made clear that the Government did not sign up to that part. It signed up to recommendation 6, that there should be no under-18s in prison by 2000. I think that the minister agreed with the general sentiment of the report, but I do not think that the Government signed up to that phrase. Considering it now, I think that we should still aim in that direction. As of last week, the population was around 200. The rise could be because of a blip, or because of more serious offences by women—there is a slight indication that it could be because of that—or it could even be because of a harsher sentencing climate. It is too early to say. What would seem to be happening is that the number of women, in particular young women, either being remanded or being sent to prison is on the increase.

Tricia Marwick: Ministers support the idea that women under 18 should not be in prison.

Mr Fairweather: Undoubtedly.

Tricia Marwick: Will you indicate how many young women between 16 and 18 are in prison?

Mr Fairweather: I can give the committee a snapshot. This is from part of a study carried out by the social work services group, which has not been published yet. Between February and May—just under four months—about 28 women under 18 were in prison. I checked last week: three women under 18 were on remand. It comes and goes.

Tricia Marwick: I recognise that that is a snapshot. In any one year, how many young women under 18 could the Prison Service expect to have through its doors?

Dr Loucks: In any one year, we expected 30 to 35 young women under 18 to be received into custody. When we started the research, we expected 10 to 15 to come through, but almost double the number that we expected—28—came into custody. There were 28 young women, but 42 separate receptions as some of them had come in two or three times. There is also concern that most of those women were received into custody on remand. That is different from what is happening in England and Wales, where the higher proportion of young women coming into custody are coming in for a sentence.

10:45

Pauline McNeill (Glasgow Kelvin) (Lab): I want to change the subject. I am interested in the Prison Service's attitude to prisoners who have a complaint about either their treatment or the conditions. How seriously are such complaints taken? What is the process and is it effective?

Mr Fairweather: I do not deal with individual complaints. When I started, I got quite a few of them and I found myself saying, "Sorry, I do not deal with individual complaints. I can only listen and pass them on." Then an independent complaints commissioner was appointed. The most recent incumbent has just left after four successful years. He and the system have produced an effective way of reducing the temperature in prison.

I have not come across many complaints about the way in which complaints are processed. They are processed quickly and fairly and an answer comes back—although not always the answer that the prisoner wants—that addresses the prisoner's complaints.

The independent commissioner publishes a separate report. As I have said on several

occasions, I believe that the independent complaints commissioner system has accounted for a reduction in temperature. We examine the process as part of our inspection, to see whether it is operating, whether people can make a complaint, and whether those complaints are dealt with properly. In the earlier stages, we occasionally found that some of the forms were misunderstood or mishandled. Occasionally in the past we have also come across individuals who have had difficulty in getting their complaint taken forward. However, unless I am looking at the situation through rose-tinted spectacles, my impression is that the system works extremely well. My professional support here will disagree with me if that is not the case.

Mr Fairbairn: The system is based on the fact that time scales for reply are laid down and monitored. That is one of the things that we do during our inspections. In the first instance, a prisoner can raise a written complaint with an officer, who must reply within 24 hours, either giving reasons why he accepts the prisoner's request and recognises that it is a legitimate complaint—in which case he must deal with the complaint—or saying that the complaint is not justified and for which reasons. The prisoner can then take the complaint to the next stage and tell the hall manager about the complaint, the reply that he has received and the reasons why he is not satisfied with it. The hall manager must then reply. If the prisoner is not satisfied with that response, the complaint goes to an internal complaints committee, which considers the complaint, hears what the prisoner has to say and makes a decision. If the prisoner is still not satisfied, he can complain to the prisons complaints commissioner, who will investigate and give a definitive response.

If the matter is confidential, or if the prisoner wants to complain about something for which he fears he may be victimised, there is an additional facility for the prisoner to write to the governor confidentially. The governor must then reply within a set time scale.

The Prison Service monitors the progress of complaints in every establishment to check that the system is working and that replies are given within the set time scales. When we conduct our inspections, we take a sample of those complaints and follow them through to see the quality of the replies. Generally, we are satisfied that the system is working.

Mr Fairweather: Each prison also has an independently appointed visiting committee, which looks into more minor complaints. I am reasonably satisfied with the system.

When I first became chief inspector, I got quite a lot of complaints, but now, when I talk to groups of

prisoners, rarely does someone complain. I make myself available to prisoners by standing about, away from the others, in the hope that somebody will come and tell me something, but it does not happen that often.

Pauline McNeill: I want to pin you down on that. Are you saying that you canvass the opinions of prisoners when you do an inspection?

Mr Fairweather: Very much so. Prisoners' opinions are the basis of our reports. There are two sides in every prison: the staff and management and the prisoners. When we turn up at an inspection, we do not have a set way of doing things, but we do listen to large numbers of prisoners, brought in in groups of two and three. We also talk to prisoners as we go round the work sheds. We talk to groups of prison staff and to management and listen to what they have to say, too. Usually, when we talk to prisoners and staff, the same picture of the main issues quickly emerges.

Pauline McNeill: Are the figures published?

Mr Fairweather: Yes, we publish prisoners' views in our reports as well as whether we agree with them.

Pauline McNeill: Do you publish figures on the number of complaints, whether successful or unsuccessful?

Mr Fairweather: No. That information is published by the independent complaints commissioner in his annual report.

Christine Grahame: I want to raise three points about Cornton Vale, where—to paraphrase what you said—the people are, in general, sad, not bad. First, the issue of training for officers, particularly in dealing with young offenders, has been raised. Do you have any views on the specific training required for prison officers in an institution for women? It has been mentioned that officers need to be counsellors and must deal with a host of complex problems. I note that the ratio of female staff has increased, which I would like you to comment on, as the governor has referred to the therapeutic needs of people in that institution.

Secondly, you stressed the importance of the induction process and complimented Inverness prison. What are the induction procedures at Cornton Vale, given that there are so many difficult individuals with backgrounds like those to which the convener referred?

Thirdly, you mentioned your concern about the high numbers of prisoners. It seems from the report that the increase is because of the number of women being sent to prison on remand. You obviously do not approve of it, so what do you think sheriffs ought to be doing, instead of sending such women to prison on remand?

The Convener: It is magistrates, not sheriffs.

Mr Fairweather: The criteria for the selection and training of prison officers at Cornton Vale are gradually shifting towards the sex of the individual and their suitability. However, the situation cannot be changed overnight. When we first got to Cornton Vale, we felt that the proportion of male and female officers was not right. It is now much nearer to what it should be, but that has taken three years. The reason for that is that we cannot simply pluck someone from their home in Stirling, shift them down to Dumfries and bring someone from there up here. It is much more complicated than that. The individual must want to work with women. We cut our teeth on that. What we—or I—have learned about dealing with young offenders is based on what we learned from working with women. The approach to selection and training has changed, but there is still some way to go and I am sure that the governor would say that, too.

It was the governor at Cornton Vale—who was my deputy before she went there—who recognised the importance of induction, particularly for remand prisoners. When we did the inspection, she came up with the one-liner that did it for me—that induction was a “process, not an event”. Having said that, I believe that induction is still an area that could be improved at Cornton Vale, like everywhere else. The system there is sound, but that does not mean that it could not be moved on a notch or two more.

On the number of remand prisoners, when I first inspected Cornton Vale in 1996, at the time of the first suicides, an average of 50 to 55 people were on remand—which was quite a high number—the majority of whom were under some form of suicide or medical observation. When the further suicides took place, we were carrying out our intermediate inspections. We noted that, at one point, the average number came down to about 30 to 35, which was much more manageable for the staff. However, in the past year or so, when we have been back to Cornton Vale, the number of remand prisoners has edged back up, on occasion to as high as 70 or 71, which was the top figure. Last week, the number was 61.

That may not sound like many, but when prison staff have to deal with double the number of damaged women, it is a problem. When I was talking to staff, I was aware that I was interrupting them. They had to look beyond me to see what “wee so-and-so” was doing, and what “Avril over there” was up to. They had to watch permanently. There is only so much that can be done with the women’s physical surroundings and the number of staff. The number of staff on the remand block has been increased. The problem is that there is no change in the condition of the women who are coming in—who are pretty damaged goods—and

staff are always having to look over their shoulder to see what is happening round the corner.

I was at Cornton Vale last week to see what is being done to the remand block, which should assist with the numbers quite considerably. The block is being gutted, as we recommended, and prisoners will now be two to a cell, in cells designed to take two women, rather than prisoners being banged in together and cells being overcrowded. That is for mutual support. Nevertheless, it is clear that staff will remain under enormous pressure as long as remand numbers are high.

Christine Grahame: I asked whether you thought that too many people were being put on remand.

Mr Fairweather: I was boxing carefully on that. It is a complicated area and I do not think that I can comment on it. When I speak to sheriffs, they say that I sound a bit of critical of them. I tell them that it is not my area, and they then say that that is fine, but that they do not have many other options. That is the truth of the matter.

The Convener: Thank you for speaking to us this morning. I am aware that there are a great many more questions and that all of us are probably conscious that we have only scratched the surface. I hope that you have not found the meeting too much of an ordeal, as it is highly likely that the committee will want to speak to you again. We are all aware that there are a huge number of issues to be addressed. We might need to consider how we can focus on some specific aspects. Thank you for bearing with us for somewhat longer than was originally indicated.

Mr Fairweather: Thank you.

The Convener: I welcome Mr Derek Turner and Mr David Melrose from the Scottish Prison Officers Association. Thank you for agreeing to come. I shall not ask you to make a brief statement, as we probably all have questions arising from what we heard from Clive Fairweather.

For the record, I should point out that the SPOA is not the only organisation representing prison officers, but it is fair to say that it is by far the largest. I am sure that both of you will have listened carefully to several things that have been said this morning. It is clear that quite a lot of that will impact directly on your concerns, as a union. Perhaps you could start by telling us whether, in your view, the current methods for training and selecting staff within the Scottish Prison Service, especially for the specialist problems that you have to deal with, are appropriate or whether they could be enhanced and, if so, how.

Mr Derek Turner (General Secretary, Scottish Prison Officers Association): Training can

always be enhanced. The basic training that prison officers receive when they are first inducted into the Prison Service is adequate for the first two years to allow them to operate as prison officers. The problem in the Prison Service is that, once in place, those staff make up part of the prison's full staff complement. Additional training is therefore a problem, unless they can be relieved of their duties. Many training variables are built into the complement of each establishment, including statutory training, such as training in control and restraint, short duration breathing apparatus and suicide prevention. If staff are taken away for periods of time for that training, there is very little time left for other training. Problems of resources and of releasing staff to take part arise if additional training needs are imposed on establishments.

11:00

The Convener: Does the training itself impose a burden on the staff who must fill in while colleagues are training?

Mr Turner: Yes.

The Convener: Do you know what percentage of your staff is involved in training modules?

Mr Turner: I do not have exact figures, but every officer in each establishment must, for example, spend three days on SDBA training. There is only a five-day training variable built in for each staff member in each establishment. The total required for mandatory training is much more than five days. Additional training for staff causes complications relating to freeing them to take part in the training.

The Convener: As a general principle, would you agree that identification of officers who display particular skills with particular groups should be examined carefully? Would the SPOA welcome that, or do you have concerns about any attempt to stream officers?

Mr Turner: We have always believed that officers in the Prison Service should be multiskilled, and that they should be flexible and able to work in all areas. We also believe that they should be able to specialise in areas that they choose and that they should be given adequate specialist training in order that they can do so. We have no problem with that and would welcome that development. The problem is one of resources.

The Convener: The problem, then, is how to resource that within the current set-up.

I know that there are members with questions. There is one—Phil Gallie—sitting to my right. Other members should indicate whether they would like to ask questions.

Phil Gallie: I suspect that I may wish to come

back to another issue, but I will start with a question about staff turnover.

I notice that staff turnover is 78 per cent per year, but what surprises me most is that 53 per cent of those who leave have chosen, for one reason or another, not to work through to retirement. They leave through choice. Given that these days the Prison Service offers one of the best careers in terms of promotion and in its degree of permanence, why do so many join the service and then opt out?

Mr Turner: We believe that, since its restructuring four years ago, the Prison Service does not now offer the same opportunities as it did in the past.

In the past one started as a prison officer and could become a senior officer, then a principal officer, then a chief officer and governor. We now have a two-tier prison officer structure. One starts as an operational officer on a lower pay scale. Officers must then complete two years' probation before becoming a residential officer, working with the main programmes in the residential areas. After that an officer can only become a supervisor and a unit manager. The system has been condensed a lot and the ability to progress exists for some officers but not for all. I would suggest that there is less job satisfaction in the long term.

Mr David Melrose (Chair, Scottish Prison Officers Association): I would like to add that the service is becoming a much younger service and the promoted posts that are available will stagnate for a considerable time. They will therefore afford very little opportunity to those who join the service today.

Phil Gallie: Will that 78 per cent per year turnover, which was shown in the report for last year, decline in the future? Are only the younger officers leaving?

Mr Turner: Those who have invested much time in the service, who started prior to the fresh start in 1987, when prison officers had the right to work until they were 55 and could—after 20 years' service—get the maximum pension, will probably be locked into the service because of their commitment to the service and because of the benefits that they have accrued over the years. It is less attractive for those officers to leave, although some have recently done so to join the police.

Christine Grahame: What is the SPOA's input to such things as induction programmes? How much are grass-roots prison officers consulted?

Mr Turner: In the first instance, we are generally consulted a lot about programmes for those joining the system as prison officers. We welcome that opportunity, but we find that we are often not

consulted so closely as things develop and as changes are made. It comes to us as a surprise to see changes later on. What we would welcome is to be involved from the earliest stages in working partnership with the Prison Service so that we can develop those processes.

The Convener: I read the paper that we received from you about mandatory drug testing and the residential role in prisons. I was struck by comments that were made at the end of that paper. Despite your very careful wording, there is an implicit criticism of a policy of the Scottish Prison Service. The paper states that there is concern about the possibility that the process of mandatory drug testing and group work programmes might be dismantled and broken down into individual components to save a pound or two here and there.

Could you elaborate a little on that, because it is not entirely clear to me what is being said? Although you are positive about mandatory drug testing, you clearly have concerns about the way that that is going.

Mr Turner: Mandatory drug testing was put in place in a hail of publicity and we supported that initiative because we wanted to do what we could to alleviate the drug problem in prisons. That is the responsibility of us all.

Mandatory drug testing started off with the right amount of enthusiasm, although without, perhaps, the right amount of resources to put it in place and get things right. The original concept required that support mechanisms be in place before mandatory drug testing was rolled out. In that way individuals could be identified and passed on to the programme for support and rehabilitation.

The officers who carry out the testing are D-banded residential status officers. We now find that there are proposals from management to downgrade that testing to C-banded operational officers. We do not understand why this is necessary because the D-banded officers should be the first step in identifying individuals and assisting them into the programmes. There should be a more integrated approach to mandatory drug testing, supported by the residential officers.

The paper is designed to highlight our case for retaining performance of mandatory drug testing by D-banded officers.

The Convener: Could you explain what you mean by D-banded and C-banded?

Mr Melrose: A residential officer is D-banded and an operational officer is C-banded. The D and the C relate to levels of pay. The residential officer has constant contact with a prison population in the area in which he works.

The Convener: Is he the guy who is on the spot

the majority of the time?

Mr Melrose: He is in the front line. The operations staff are the recruits into the service and those who are in training and on probation. After probation they have the opportunity to apply for a residential post.

When the initiative was introduced, the task was given to those at the level of residential officer. That is quite right because they are the people who deal with the prisoner in the front line. As Derek indicated, it would appear that quite recently that responsibility—and this is my personal opinion—has been devalued. That is where the pennies and the pounds are being saved.

The Convener: Are you saying that testing is being devolved to less experienced staff and to those who are less streetwise—which might not be the right term to use regarding prisons?

Mr Melrose: Yes. I do not want to decry our operations staff, or the qualities and value that they bring to the service, but you are quite right to say that they are less experienced. The nature of their job—perhaps working in the gate area, in the visitor area, or escorting prisoners to court—may give them some contact with prisoners. However, the officers who know the prisoners—perhaps better than they know some of their own relatives because they work with them eight hours a day, seven days a week—should be carrying out the testing.

The Convener: Where is that beginning to happen? Is it happening at particular institutions or are there signs of that right across the service?

Mr Turner: It is an arbitrary decision that has been taken by Prison Service management.

The Convener: So the decision has been taken for the whole service. Is it happening in all institutions yet?

Mr Turner: That is in the process of happening.

The Convener: Is mandatory drug testing being carried out by less experienced officers than when it was first phased in?

Mr Turner: On occasion that is the case.

The Convener: Is that happening only on occasion?

Mr Turner: That has not been rolled out to the whole service yet. Some establishments have had residential officers doing dual duties—they have been doing drug testing and residential duties. The stand-alone facilities for mandatory drug testing have been given over to C-banded officers. It is quite complicated.

The Convener: You will have heard this morning that we are concerned about what seem

to be wide disparities in drug use from prison to prison. Can you say anything that will help us understand why those disparities occur?

Mr Turner: It is difficult, but I subscribe to what Mr Fairweather said about locations, communities and the geography of prison bases. All those have impacts. There are priorities within prisons for the delivery of various initiatives. If mandatory drug testing is not seen as a high priority, the resources will, perhaps, be channelled into other areas and other rehabilitation programmes, such as anger management and cognitive skills training.

The Convener: The impression I get from Mr Fairweather and you is that much of this is outwith your control. Is that your view?

Mr Turner: We in the Prison Service are not the masters of our own destinies. Yesterday I had a telephone call from a reporter in the Inverness area who said that the local authority had a shortfall of £109,000 in its budget, and was looking for an opportunity to cut back on social services work in evenings and at weekends. That would result in an increase in custodial sentences. The reporter wanted to know how that would impact on the prison in Inverness.

I explained that that prison now has an opportunity to start to develop because the number of inmates has fallen and there is no longer the same problem with overcrowding, but that the staff would have to deal with any impacts that result from outside circumstances. That will detract from the programmes that they are trying to deliver.

That illustrates that we are not the masters of our destinies.

Kate MacLean (Dundee West) (Lab): I would like to follow up Roseanna's question because I am not very clear what the answer to it was. The previous deputation spoke about steering people with specific aptitudes—for example, dealing with young offenders or women offenders—in the direction of those aptitudes, and that sounds like a good idea. It would, however, depend greatly on agreements between staff and trade unions. While you said that you were in favour of that, you also said that you are in favour of multitasking, which contradicts that.

Phil Gallie mentioned staff turnover, which is alarmingly high. Page 3 of your document says 56 per cent of staff report that they have felt intimidated by someone in a management position and that there is discrimination. Do you think that that contributes to the high staff turnover, which is very high for jobs that have reasonable pay and conditions?

Mr Turner: That refers to the stress audit that was carried out and the figure was then alarmingly

high, but I do not know what it would be now. It might be better or it might be worse. It was certainly cause for concern then.

Kate MacLean: Did it affect turnover?

Mr Turner: It may well have done. If people were working under that sort of pressure, that would be a factor that might cause them to leave their jobs.

11:15

Talk of multitasking takes us back to the argument of operational officer as opposed to residential officer. In the past, every officer did every task in the prison; they could work anywhere. Now we have demarcation lines. Some people specialise in certain areas: their training needs can be identified, they can participate in training courses, and they can apply for jobs that come up later. If we are to design programmes specifically for dealing with women offenders and young offenders, we will need to tailor them very specifically, identifying the people who want to participate and who are capable of doing the training.

On many occasions, I find that the Prison Service is very good at developing good policies. We have dwelt on some of the negative aspects of the report but, overall, most of the report is a testament to the dedication and professionalism of staff in the Prison Service. I want to make that clear.

Kate MacLean: Are you in favour of people being identified as having a specific aptitude?

Mr Turner: There is no point in developing a policy and not providing training before the policy is implemented. Proper resources must be made available. The resources must be identified as part of the strategic plan, and then, having identified the staff that require training, the training must be delivered. There is no point in expecting a policy to work without the proper resources and training having been provided.

Mr Melrose: I would like to give an example of that—and I am not criticising the job that the service does or tries to do. As a result of the restructuring programme, a great number of what we now call supervisors were put in place; but no training for young promoted officers was provided by the training and development part of the service. Only now, some four years down the line, is there a training programme for supervisors. That may seem to be a criticism, but the training of staff has been identified by the service as a great need, especially for people who move from being officers to being managers.

Tricia Marwick: I am returning to the drugs issue, which Mr Fairweather identified as the

central problem. I am concerned about some of the points that have been made. Do Mr Turner and Mr Melrose believe that the ability to tackle drug problems in prisons has been undermined by recent decisions that took away responsibility for the strategy on the shop floor from residential officers?

Mr Turner: I suggest that that is only one part of the problem. Drugs are an enormous problem in prisons, as we have known for many years. The more contact that prisoners have with the outside world, the more opportunities there are for drugs to come into prison. We want a more relaxed regime with family contact, but we have to guard against drugs coming in. That is a fine line for prison officers to walk: if we are seen to be too restrictive, we are called thugs and bullies; if we are too soft, we are accused of ignoring the drug problem altogether. Mandatory drug testing is a fundamental part of the overall strategy to tackle the drug problem; if we start to undermine that testing early on, we start to undermine the overall strategy.

Tricia Marwick: That is the point that I want to pick up on. Do Mr Turner and Mr Melrose think that removing responsibility from residential officers has undermined the service's holistic approach to dealing with drugs in prison?

Mr Melrose: No, I do not think that the service is undermining the problem of drugs within the service. The drug initiative was given a very high profile at the outset, and residential officers had to implement it. Management has now decided to reduce the level of officer that is involved. We now have a—shall we say—more cost-effective way of doing things, but, as a union official, I—

Tricia Marwick: But is it a better way?

Mr Melrose: I do not think that it is a better way. The people in the front line, who are in constant contact with the prisoners, are the ones who should be dealing with such a major drug initiative.

Pauline McNeill: I want to pick up on Phil Gallie's point about prison officers' morale. From a trade union point of view, what are the priority issues? Do they include members' terms and conditions, and the devaluing and deskilling of the job, as has just been talked about?

Mr Turner: A stress survey indicated that victimisation and bullying caused concern for staff. Other concerns that come up annually are performance-related pay and the personal performance programmes that members have to go through to get performance-related pay. Instead of being a motivator, performance-related pay in the Prison Service has been the exact opposite—a demotivator. For a lot of people, chances of promotion now seem to be diminished, which also causes low morale. People's ability to

get other jobs in the service has been restricted as well.

Pauline McNeill: Why is that?

Mr Turner: The job descriptions that have been drawn up for various types of job are so complicated that it is sometimes difficult for people to apply for the jobs because they feel that they will never qualify for them. That causes low morale. It may sound petty, but such things impact on the staff of different establishments: it is demoralising for staff to apply for a job after receiving between four and six pages of job description when the chief executive's job had only half a page of description.

Pauline McNeill: Earlier you mentioned a problem with pensions, Mr Turner.

Mr Turner: It goes back to 1987, when the Prison Service throughout the United Kingdom was restructured. Before that, prison officers were allowed to retire at 55 because of the nature of their job, and the years between an officer's having clocked up 20 years of service and his or her retirement age were counted as double for pension purposes, a scheme that was called two for one. That was all done away with: staff now have to work until they are aged 60, and a person who starts at age 20 and works until age 60 will have worked 40 years for a single-time pension.

Pauline McNeill: So the old scheme has come to an end?

Mr Turner: Yes, it came to an end in 1987.

Pauline McNeill: The logic behind the scheme was, I think, that officers should be able to clock up enough service to allow them to retire at 55, because the job was recognised as being such a high-pressure job. It is still a high-pressure job—arguably the pressure is even higher.

Mr Melrose: The scheme is cheaper now.

Pauline McNeill: Derek, you said that the high incidence of bullying was a problem for your members. How widespread is the bullying, and what are the procedures for dealing with it?

Mr Turner: A report for the trade union indicated that there was a high level of bullying in the service. We have set up two committees to look into it: the goal 5 committee and the occupational health committee. There is a strategy document on victimisation and harassment, but we think it needs to be reviewed, because the staff do not feel that it is a competent or effective document that suits their needs.

In the past, we have also asked for an independent complaints commission for prison staff. We raised with management the point that it managed to include a grievance procedure for prisoners in the annual report, but that, although

there is a grievance procedure for staff, it did not publish any figures of instances of staff grievances and how they were resolved. We have asked management to consider that, so that there can be an indication of what problems staff are experiencing.

Christine Grahame: I am interested in the low morale that there seems to be in the Prison Service. The points that were made about the assessment that is now made before prison officers can get a pay increase and about the shrinking promotional chances seem to relate to schoolteachers also.

I am looking at the document "Work and Health in the Scottish Prison Service". Some of the percentages it gives for staff are dramatic. On page 12, it says that

"68 per cent reported sometimes or often being expected to do work not appropriate to their role."

Among residential staff, 72 per cent reported that their training was inadequate. On page 13, under the heading "Not being listened to", it says that 84 per cent of respondents reported that senior people did not take on board their views; and under the heading "Uninformed", it says that 78 per cent felt that they were not kept informed about important changes. Those are extraordinary figures.

We know about the cost of training, but a prison service depends on the quality of the prison staff—that speaks for itself. There should be a happy and trained prison staff that knows what it is doing. It seems that what was said about people being asked to do work that was not appropriate to their role is true—because the role has changed a great deal and there been no training to match the changes. I think that Mr Turner and Mr Melrose would agree with that.

What changes would you like in the consultative process? Earlier, I touched on induction programmes, and you said that you had been asked your views at the beginning, but those views had then been somehow lost before you were presented with a completed package.

Mr Turner: We talk about partnership, but partnership is a two-way street. Both parties must be involved. There is no point in partnership if information available to management is not shared with us, and vice versa. I would like to hear less talk about a partnership approach and to see the production of a partnership document, the values of which would be kept to.

Christine Grahame: Could you develop that point? Do you want to have continuing meetings, or what?

Mr Turner: We represent some 220 nurses at the state hospital at Carstairs. As part of a national

health service initiative, they are going through partnership training and work. We sat down with the general manager and developed a partnership framework document that, with the agreement of the staff, is just about ready to be signed. The Prison Service should look at that model, follow that model and live the values of that model. There would be a terrible pressure on both union and management to live up to those values, but we still advocate such a partnership document.

Christine Grahame: How important is it that a training programme goes ahead for people working with—to narrow our focus as we did earlier—young offenders and female offenders?

Mr Turner: The chief inspector, Mr Fairweather, identified those offenders because he has done studies on them and has had support from specialists. If those specialists have identified a need for such training, it is imperative that we develop such a strategy.

Christine Grahame: From your experience, do you agree with that?

Mr Turner: It has been a long time since I worked in the field but I was a prison officer for 15 years at Barlinnie. If a need is identified, it must be progressed. That must be done properly, with proper support, proper resources and proper training.

Christine Grahame: After consultation with the prison officers?

Mr Turner: Yes. To give an example, at Peterhead prison there was valuable prison officer involvement in the sex offender programme—the stop programme. As often as not, prison officers' knowledge can add a lot of depth to programmes.

Mr Melrose: In the service now, a high priority in training is self-development, which management is more and more inclined to encourage at all levels of staff.

11:30

I am not against that at all, but initial recruits who are being posted to Cornton Vale to deal with female prisoners receive no specific training and staff who are being posted to young offenders institutions receive only standard prisoner officer training. To perform many of their tasks and duties and to gain the additional skills required, staff are expected to self develop or, in other words, to do the training in their own time.

Self-development forms part of the service's performance procedures. We do not think that that is correct. If management wish staff to be highly skilled, qualified and professional, they should be responsible for supplying that professional training.

The Convener: Are you saying that a member of staff who is sent, for example, to Cornton Vale is somehow expected to just know, on day one, how to operate in that set of circumstances?

Mr Melrose: There would be an induction process for staff who are transferred in and they would probably shadow experienced staff for a period of time, but to my knowledge no specific training in the specialised treatment of female prisoners or young offenders is afforded to any officer.

The Convener: That is obviously quite a big issue. Phil Gallie wants to speak; as I understand it, he has some issues to address with our witnesses.

Phil Gallie: I would hate to sit in a public place and not give people the opportunity to challenge me on a statement.

The public feel that society must be able to keep prisons drug free. We worry about schools and take steps to protect them, but prisons, with their level of discipline, must offer people the opportunity of being drug free. However, we read in reports that it is considered a great achievement to establish a drug-free area within a prison. Mr Fairweather said that perhaps at young offenders institutions, people have not yet had time to organise a supply chain. If such a degree of organisation exists in prisons, surely the authorities must recognise it and find a means of stopping it. What are Mr Turner's views on that issue?

Mr Turner: I understand Mr Gallie's point of view. Prisons are a secure environment and it is easy to say that they should be drug free and that we should not let drugs in. However, we must all recognise the fact that ingenious methods are used to introduce drugs into prisons.

Objects are sometimes thrown over prison walls, not just at Low Moss, but at Barlinnie and Peterhead. I have mentioned previously to the press the occasion on which a dead seagull, stuffed with drugs, was thrown over a prison wall for recovery by the people who clean up the grounds. During visits, drugs may also be hidden in a child's nappy or passed mouth to mouth. Do people want us to stop all kinds of contact during family visits? Doing so could cause further complications, because many incidents in prisons happen in visiting areas and officers may be injured during an attempt to pass drugs.

As long as we have contact points and allow prisoners to contact their families, we will never stop drugs coming into prisons. Closed visits were quite draconian and caused as many problems as open visits cause now, but even in those days it was found that, during closed visits at Barlinnie, long syringes were sometimes passed through the

grille to inject the prisoner on the other side. People will always find ingenious methods of introducing drugs into prisons and it would be naïve to believe that we will be able to stop that happening, whatever methods we use.

As far as possible, we try to stop drugs being brought into prisons, but we must recognise that without draconian measures at contact points, we will not stop them completely.

Phil Gallie: Thank you. In addition, Mr Turner—commendably—supported the drug testing programme. Does he think that it would be possible to introduce some means of reward for prisoners who test negative, perhaps allowing them physical contact while prisoners who test positive lose that privilege?

Mr Turner: Prisoners are subjected to closed visits for a variety of reasons, mostly for transgressions such as attempted drug passing in visiting areas.

I am impressed by the introduction, at Shotts prison, of drug-free work areas and enhanced wages for prisoners who remain in those areas. High levels of support and good programmes to assist the prisoner to stay off drugs are the key to solving the problem.

Further to Mr Fairweather's point, we must do something about shorter sentences; we cannot continue to concentrate on the long-term prisoners only. Short-term prisoners also cause problems.

Mr Melrose: The introduction of open visits some years ago was one of the reasons behind the escalation of the drugs problem in the prison system. I am not against those visits; in fact I believe that they form part of a helpful process for the prisoners, their families and the prison staff. However, when open visits were introduced, high technology detection equipment, such as X-ray machines, was not available to staff in the visiting areas. Now we have such equipment and procedures are in place to reduce the potential to introduce drugs during visits.

The Convener: In more than one part of the inspection report, I recall reading a suggestion that involving the families more actively in rehabilitation attempts might be one way of tackling the drug problem in prisons.

What you are saying, Mr Turner, seems to cut across that suggestion. Tolerance of the problem among the rest of the family will vary from family to family and from prisoner to prisoner, but might more involvement for the family be one possible way forward, rather than seeing the visit as the family's only involvement?

Mr Turner: We have family contact and development officers at some establishments—

The Convener: Yes, that is the kind of initiative I recall reading about.

Mr Turner: We cannot take a generic approach, because every family is different, but there is certainly scope for involving family members more in cases where they are supportive of the individual's attempt to break a drug habit.

The Convener: Family contact and development officers are also mainstream prison officer staff. Are they given special training?

Mr Turner: Yes.

The Convener: Do they exist in all prisons?

Mr Turner: No, I do not think so.

Tricia Marwick: I was alarmed to read that almost 50 per cent of prison officers who responded to the "Work and Health in the Scottish Prison Service" survey were concerned about long-term job security. Thirty-seven per cent thought that security was fair and 13 per cent thought that it was poor. The biggest identified threat to job security was privatisation of the Prison Service. Will Mr Turner expand on the problems of privatisation a wee bit?

Mr Turner: Earlier, the committee discussed the contingency spaces that were out of use and why some overcrowding exists despite that. In 1991 or 1992, before Mr Frizzell took over as chief executive, a significant drop in prisoner numbers occurred compared with available spaces. It was suggested that Friarton prison could be closed and mothballed, then opened up in the future should numbers rise.

The trade unions felt that that option was not feasible. Two things were at the back of our minds: a mothballed prison might be handed over to the private sector, or staff might not be available to open it up when required, as prisoner numbers can fluctuate quite quickly. We agreed to examine establishments throughout the system at which an area could feasibly be closed down and where, through natural wastage, some staff could be shed to satisfy the Treasury's needs in relation to the balance of numbers. That is why there are still some contingency places.

It was also recognised that we needed a national contingency in case there was a riot; that fitted in quite well with the strategy at the time. Just before the Criminal Justice and Public Order Act 1994 was introduced, a staffing structure review took place in the Prison Service. Staff were told that if we did not examine the restructuring of the service and bring down the cost per prisoner place, there was a potential for four prisons in Scotland to be either market tested or privatised. That threat lingers with staff.

In addition, the private prison at Kilmarnock was

established and staff regard it as a potential threat for the future. Staff are worried because the private prison has a 30-year contract and has to be guaranteed the number of places that the taxpayer is paying for. If job losses occur in the Prison Service because prisoner numbers continue to fall, the staff's perception is that the losses will take place in the public sector prison service. That may well turn out to be the reality.

Those are some of the issues that have had an impact over the years on staff's confidence in their job security.

The Convener: Thank you very much for coming along this morning. Many issues have been raised to which I suspect the committee will wish to return.

I know that we have run quite late, but I propose that we have a quick break. We will then return for the remaining 45 minutes to talk to Safeguarding Communities Reducing Offending and Mr Cameron from the Scottish Prison Service.

Meeting adjourned at 11:42.

11:53

On resuming—

The Convener: Would the representatives from Safeguarding Communities Reducing Offending like to introduce themselves and say what SACRO is about in two or three sentences? We are short of time.

Mr Rob Mackay (Acting Chair, Safeguarding Communities Reducing Offending): I am the acting chair of SACRO. With me is Susan Matheson, the chief executive.

Ms Susan Matheson (Chief Executive, Safeguarding Communities Reducing Offending): Thank you for inviting SACRO to be here today. As I hope most of you know, SACRO aims to make communities safer by providing a range of services that reduce conflict and offending. Using the knowledge and experience that we gain from running those services, we seek to influence criminal justice and social policy. We could not have a better opportunity to do that than to be invited here to speak.

The Convener: We are using the report on prisons as the starting point for this discussion. A lot of your work has to do with the post-prison scenario, but we will set that aside for the moment. We will examine those issues in the future, but this meeting is about the situation in Scotland's prisons today, or as at 31 March.

We want to explore some of the issues raised by Mr Fairweather in the report. He talked about overcrowding and physical conditions in prisons. There is frequent reference to the fabric of our

prisons throughout his report. Planned programmes of work have often not gone ahead because funding has not been available. Funds that had been hoped for were not forthcoming. The physical fabric of prisons affects what can be done in prisons. Do you have any comments from SACRO's point of view on the physical environment in which prisoners are expected to live?

Ms Matheson: SACRO does not have a remit to inspect prisons, but I have visited a number of them. We are encouraged by the news today that the figures on overcrowding are even better than in Mr Fairweather's report, but there is no room for complacency. It is encouraging that 75 per cent of cells now have sanitation, but the degrading practice of slopping out will continue until 2004-05. We encourage the committee to recommend that resources be allocated to speed up the ending of that practice. If we treat people in a degrading way, we cannot expect their behaviour to improve.

The Convener: That is about the under-provision of sanitary facilities in our prisons. People do not always understand what slopping out means.

Ms Matheson: I know that you want us to talk about prisons, but that is difficult because it is not our role. We believe that there must be a redistribution of resources in the criminal justice system, from prisons to community-based alternatives. Prison closures, which the chief inspector suggested might be considered with Low Moss and Longriggend, would realise savings for redistribution. Prison closures will be possible if the prison population is reduced. I would like to talk about how we could do that, if that is appropriate.

Tricia Marwick: I would like to come on to that point, Susan. You have rightly highlighted in your paper that Scotland has one of the highest percentage prison populations in Europe. That is extremely concerning. You also highlighted that many people in prison are—in your view—no danger to society, so there should be community alternatives for them. Can you talk about some of the community alternatives?

I would also like to make the point that I addressed to Mr Fairweather, about the so-called target of halving the number of women in prison by 2000. I got the impression that that was not a firm commitment, just something that seemed a good idea at the time. That must be a target for the Prison Service and ministers. How will we achieve that target?

Ms Matheson: On community-based alternatives, in my paper I gave the committee a number of suggestions about how we might reduce the prison population. Some of them are

alternatives to custody. I also mentioned some other ways. We should examine what sort of conduct society believes constitutes a crime. Should some things, such as failure to pay a television licence, be decriminalised?

We recommend that there should be a shift to a restorative justice model—which Rob will say more about in a moment—and greater use of diversion from prosecution and other avenues that avoid prosecution, such as referral to victim and accused mediation. That provides answers for victims, who appreciate the opportunity to participate and the accused is faced with the impact of their offence, which enables them to take responsibility, be accountable and make reparation.

You discussed remand earlier. If people receive intense bail supervision and support they may not need to go into prison on remand. That is working especially well in Edinburgh, and to some extent in Glasgow, and it should be provided as an option for all courts.

12:00

Community-based alternatives include programmes such as intensive group work for probationers. It is very challenging, hard work and it is not a soft option. The young men—and it is usually men, although there are some programmes for women—are pretty reluctant to come into such programmes. They would rather just do what they are used to doing—going inside for a little while or paying a fine. On the programmes they are faced with what they have done and how they came to do it. That makes a difference to their behaviour and they manage to turn around during the period of their attendance at the group work programme.

Where offending is related to alcohol or drug use, there are programmes designed to make people take responsibility for their offending behaviour rather than blaming the alcohol.

Gordon Jackson touched on another subject that we think is important: an end to imprisonment for fine default. Fifty seven per cent of those in prison for fine default are in for seven days or less. What can the Prison Service do in that time? The period of imprisonment may be as short as one day, so it is expensive in administrative terms.

Some people may accept imprisonment instead of a fine; if they know the system, they may know that it will be for only one night. Imprisonment for fine default is being used as a punishment for poverty and it disrupts not only the Prison Service, but the home lives of prisoners.

How could we reduce or stop imprisonment for fine default? One way might be for the committee

to recommend a review of supervised attendance orders, which are not working as well as had been hoped. If someone breaches a supervised attendance order, the prison term that they get may be far longer than the term they would have had for the original offence or non-payment of fine. The orders were supposed to take the place of fines, so we need to examine the matter carefully.

Although we do not want to interfere with judicial discretion, we feel that the committee ought to consider whether there should be sentencing guidelines. As members of the committee will be aware, there are few rules governing sentencing in Scotland, and a study suggests that that may lead to unjust disparities in sentencing. A full range of options must be available to all courts. The provision of alternatives to custody is geographically very patchy, and not all courts have a full menu of the alternatives that are available to them.

Scott Barrie: Susan Matheson's comprehensive answer to Tricia's question has covered a number of subjects that I wanted to talk about.

We should explore the issue of supervised bail. It is now some 10 years since I worked actively in the criminal justice system, but I recall that one major problem was that without an address an offender could not be bailed. Many people—especially young people—ended up on remand for that reason. Are there many bail hostels throughout Scotland, or is provision still patchy?

Ms Matheson: There is only one bail hostel in Scotland and we do not know yet how well it is working. Not everybody has to go into a bail hostel; that is usually an option for high-risk people. In Edinburgh, courts have accepted that SACRO can be the address for people who are on bail, and that we will intensively supervise them. That means that we can begin immediately to address people's offending behaviour so that, by the time they come to court, the court can be given information about whether they can address their offending behaviour in the community or whether a custodial sentence would be more appropriate.

The Convener: Are you saying that although the bail supervision alternative is available in theory, in practice there is no way of putting that alternative into use from area to area?

Ms Matheson: There is no bail supervision anywhere except Edinburgh and Glasgow, as far as I am aware.

The Convener: You referred to the patchy availability of alternatives to custody. Is it also the case that those alternatives are available in theory but not in practice?

Ms Matheson: Yes.

Mr Mackay: That has something to do with the

policies that surround 100 per cent funding for social work services to the criminal justice system. Each local authority establishes its own priorities for social work services. The range of services that they are able to provide and fund depends on local priorities.

The Convener: So the availability of those services is determined by postcode?

Mr Mackay: I do not know if that is how it pans out, but different local authorities have different priorities for the types of programme that they are willing to support. That is evidenced by the disparity of service provision that SACRO is able to deliver. For example, we have projects for mediation and reparation in some local authority areas, but not in others.

Phil Gallie: It is an interesting idea that all the problems are the fault of local authorities.

Mr Mackay: That is not what I am saying.

Phil Gallie: I know that SACRO does a lot of good work trying to persuade employers to take on people who are coming out of prison. It strikes me that one of the problems concerning repeat offenders who abuse drugs is that people are released from prison, meet up with their peers and are back into the drug culture before they have time to think. Does SACRO run any programmes to find work for such people in locations away from their homes, and would that help?

Ms Matheson: Getting people back into employment is more the role of Apex Trust Scotland. SACRO does not focus on drug misuse, but there are specialist agencies that do. Many of the people we are working with misuse drugs, and we refer them to the appropriate agencies. If we have people in our supported accommodation who need help with employment, we work hand in hand with Apex. They may attend a drug programme and go to Apex for help in finding work.

Earlier this year, SACRO held a conference on drugs and crime. We agreed that there needs to be an objective examination of drugs in society. The widespread use of drugs in prisons is only a reflection of what is happening in society at large. There can be no doubt that cannabis use is part of the culture of young people. The police seem to take a de facto approach to the matter and ignore cannabis users' offences. Perhaps we need—

Phil Gallie: With the greatest respect, I was not looking for an analysis of the drugs scene. I wanted to discuss the relationship between the release of prisoners, their involvement in work and the location into which they are released from prison. Does SACRO support released prisoners?

Ms Matheson: We give general life skills and accommodation support and, in some cases, refer them to a specialist drug agency.

The Convener: Is SACRO able to do that across the country, or is that support subject to the problem of patchy provision?

Ms Matheson: Our support accommodation services are more widespread than some others, but they are still available only in some areas.

The Convener: It is interesting that an offender in Glasgow and an offender in similar circumstances in Edinburgh could end up being treated in completely different ways, simply because of the difference in service provision in two local authorities 45 miles apart.

Ms Matheson: That is right. SACRO's vision is to have a full range of services in SACRO centres throughout the country, but that is not possible with current resources. It is a lottery that depends on where you live.

The Convener: A lottery?

Ms Matheson: Basically, yes.

Mrs McIntosh: Susan Matheson made some interesting points about Apex, but I would like to return to what she said about sentencing guidelines.

How have people responded to the availability of mediation and reparation alternatives to custody? I understand that such alternatives are effective only if the victim of the crime agrees to get involved, and some people would prefer to have their day in court. What has been the uptake of the service and how successful has it been?

Ms Matheson: I do not have the exact figures in front of me, but I know that a high proportion of victims want to participate. Our mediators visit the victims, explain how the service works and ensure that they do not feel under any pressure to take part in the scheme. Most victims want to participate because they want the answers that they will not get if they go to court. If people's houses have been broken into, they often wonder, "Did he know I was on holiday? Is he going to come back? Why me?" They get answers to those questions through the mediation scheme, which otherwise they would not.

They can also have a say in what reparation is made. Victims often want an apology, which can be difficult for the accused to give. Research shows that victims feel a lot better if they get an apology and that mediation is a better way of going about things. However, the service is available only in North and South Lanarkshire, Aberdeen and Edinburgh.

The Convener: Another lottery.

Mr Mackay: In theory, that model of reparation and mediation can be operated at different levels of the criminal justice system. Referrals could be made by the courts and certain types of restorative

justice practice can be applied to prisons too. The model should not be seen simply as a diversion from prosecution.

Mrs McIntosh: I am sure that people from justices of the peace right up to the Sheriffs Association would be keen to hear your views on sentencing guidelines.

Ms Matheson: It is a difficult issue, and SACRO believes in judicial discretion. In the press today, there are reports of two cases in which the public are up in arms about the sort of sentence that has been given, but we cannot know whether those reports are accurate or what information was before the court. We must leave that sort of decision to judges and sheriffs. Having said that, I think that some of them would welcome information that would make them fully aware of the alternatives that are available, the effectiveness of those alternatives and the types of case in which they are effective.

Mrs McIntosh: Is it SACRO's view that, perhaps because of a lack of knowledge or experience of the alternatives to custody, most people would prefer either a fine or a jail sentence?

Ms Matheson: That preference is probably due to lack of availability. However, even where alternatives are available, organisations such as SACRO need to do more to inform sheriffs and judges of what the alternatives really mean. Sheriffs must have confidence that alternative sentences are robust, challenging and difficult, and that they will work better than putting someone away for a few days or weeks.

Mrs McIntosh: So it is a fine on people's leisure time, rather than a bed for the night and a payment when they get out of jail? That would be revolving-door justice.

Ms Matheson: It is more than that, because it will—we hope—help people to change rather than to continue their offending behaviour.

The Convener: Such alternatives would have to be available across the board, but they are not.

Ms Matheson: That is right.

Christine Grahame: I am glad to hear Ms Matheson's caveat about judicial discretion. Sometimes, people who do not fully understand the facts of a case call for heavier sentences; that sort of popular opinion can often be misplaced.

I would like an explanation of a couple of the points in the SACRO briefing paper. First, what is the arrest referral scheme, currently used in conjunction with the turnaround project in Glasgow and with the police and social work departments? Secondly, the document mentions consistent treatment of remand prisoners. What inconsistencies exist and are they geographical?

12:15

Ms Matheson: I speak on behalf of the turnaround project, which is part of the major drug agency, Turning Point, so I cannot give you a huge amount of detail about the arrest referral scheme. The scheme has workers in the sheriff court in Glasgow who can interview every woman who is accused, and assess whether her offending is related to drug misuse and whether it would be appropriate for her to see a drugs worker. The procurator fiscal can immediately liberate women for that assessment; if it is appropriate, they can start to attend the programme, and if not, they will be returned to court.

Originally under the arrest referral scheme, workers were in police cells for a couple of hours a night, but women who saw the workers then could not remember ever having seen them when they met again. By moving the arrest referral scheme to the court on the next day, when the women are able to be assessed, the scheme has been able to pick up more women and more women are now on the programme.

Christine Grahame: In procedural terms, is that like a deferred sentence?

Ms Matheson: I understand that it is, but I cannot give a definitive answer.

On your second question, I was just picking up what the chief inspector said about remand in his report. He recommended that there should be consistency, and we would always welcome consistency. A thematic study is under way, so I do not have anything more to say on that.

Christine Grahame: I had thought that you were speaking from your own experience.

Ms Matheson: Not really. We will comment further after we have read his report.

Maureen Macmillan: I was interested in what you had to say about young offenders, and the need to deal with them at an early stage, before there is any question of a custodial sentence. I notice that you have been involved in some schemes whereby the police were able to refer young people directly to you.

How young are the young people with whom you deal? Although our discussions do not cover children's panels, I feel that youngsters perhaps need another approach. I know that children's panels can make referrals that cannot be carried out because of a lack of facilities. Are you involved in children's panels, as well as with older young offenders?

Ms Matheson: I cannot give you a definitive answer on the youngest age of the young people who were referred to us by the police. That was a small pilot project. I know that some very young

children come to the attention of the police, but I do not know how many such children were referred to us. In principle, we should be able to deal with fairly young children.

The young offender mediation project that we run in Fife receives its referrals directly from the reporter to the children's hearing. That project was evaluated by Scottish Office research and was found to be very effective. The Fife reporter is very enthusiastic, and other reporters are envious of him because he has that project at his disposal. As I described for the adult victim/accused mediation, the project is based on the same principle of confronting the accused with the impact on the victim, of which the accused was often unaware.

An example was a young boy who smashed a patio window—perhaps we would all find it exciting to break a huge pane of glass. However, when he discovered that there had been a baby in a pram behind that patio window, he was chastened. The reparation that the family wanted the boy to make was to paint their garden fence. Through doing that, he came to know the baby and the family, and was much more likely not to reoffend.

The recently published research on children's hearings emphasises deficiencies in hearings' ability to respond to the needs of young offenders; it says that the range of options is restricted compared with that in other countries. We need more mediation and reparation for young people—again, it is available only in Fife. We should consider family group conferencing, from which other jurisdictions benefit, and more offender behaviour programmes. If we deal with young offenders quickly, they might not have criminal careers.

It is important to remember that 40 per cent of recorded crime is committed by people who are under 20, and that it is estimated that each crime costs about £2,000. We should divert resources early; we would then save all along the chain, through to prisons.

I emphasise to the committee that under the Crime and Disorder Act 1998, England and Wales is getting a number of benefits that we are not. Surely Scotland, too, needs youth justice services, inter-agency young offender teams, youth justice plans and reparative orders?

Were there any other aspects to your question that I have not covered?

Maureen Macmillan: No, that is fine.

Ms Matheson: I am conscious that I did not cover Tricia Marwick's question about women offenders—I do not know whether there is time for me to do that.

The Convener: Do you want to take a minute or

two to do that?

Ms Matheson: I endorse what the chief inspector said. We were very encouraged by the report of the chief inspector of prisons, "Women Offenders—A Safer Way". As we have heard this morning, the population in Cornton Vale are more of a danger to themselves than to the public, and most of the women should not be there.

We need to have more specially tailored alternatives in the community for women, who often do not get supervised attendance orders or community service orders because it is felt that the programmes that are available are not suitable for women. It also might not be appropriate to have a group with just one woman in it, especially if the woman is vulnerable or unassertive. Resources need to be diverted to special group work support for women. We need that for all potential or actual offenders, but in recognition of everything that we have heard this morning about the reasons for women's offending and reoffending, which lie more in their economic, social and personal circumstances than in anything else, we need specially tailored programmes for women.

Does that answer your question?

Tricia Marwick: Yes.

The Convener: Thank you for coming in. I am sorry that the time was so restricted, although you managed to get half an hour. We will no doubt contact you again in future.

I invite Mr Tony Cameron to come before the committee. Thank you for coming, Mr Cameron. Despite the lateness of the hour, we will not hold ourselves to a 12.30 deadline; we will let the meeting run on a little so that you have more time.

As you are the chief executive of the Scottish Prison Service, a great many issues will be raised about which the Scottish Prison Service probably needs to be asked. However, I am also acutely aware that you have been in your job for only 12 days. In such circumstances, we should treat this meeting as more of an introduction than an attempt to put you on the spot. I suspect that of necessity some of our questions will be greeted by, "I have not had time to familiarise myself with that."

In that spirit, we can start. I know that you have been here all morning, and that some obvious issues will have been flagged up as ones that we are likely to raise with you.

You may wish to make some initial remarks. I notice that you have circulated a brief outline of some of the main areas about which we might want to question you.

Mr Tony Cameron (Chief Executive, Scottish Prison Service): I am grateful for the invitation to

the meeting. I am accompanied by Ruth Sutherland, who is my private secretary and who understands a great deal more about the Prison Service than I do—as you say, this is my 12th working day as head of the Scottish Prison Service. I am proud to have been given the opportunity to lead the service; we have heard a good deal about some of the excellent work that it does—unfortunately, only bad news is usually news.

Some members will know a lot about prisons and others—like me—will know less. I have brought with me a briefing paper, which looks like a list of tables, but is actually a printout of the overhead slides that were used for the induction presentation that was given to me and Jim Wallace.

The Convener: How long was the induction process?

Mr Cameron: The initial induction used the slides to convey the scope of the Scottish Prison Service.

The first slide shows that there are 24 establishments—people tend to call them all prisons, but that is not the case—which is rather more than most people would guess. There are about 6,000 prisoners. A lot of people might know that, but what surprised me is that, each year, 30,000 to 40,000 people come through the doors. That is a large number of people to be processed and dealt with, and as we have heard, those people are often disturbed.

The capacity of the system, a subject on which Clive Fairweather and his team spoke, is 6,650 prisoners. Overcrowding has been reduced, although the problem has not been solved completely. Overcrowding depends on prisoner numbers, which is not something that the service is able to anticipate. We have to receive all those who are referred to us. However, easing of overcrowding will enable the estate to be improved.

One of the things that I was told on taking up my post is that our core business is to keep in custody those whom the courts deliver to us—that is the No 1 requirement. Our record on escapes has improved in recent years. Similarly, the abscond rates and rates of failures to return have improved. Abscond is the technical term used when a person on a work party, for example, runs off. A failure to return describes a person who does not come back after home leave, whereas an escape is defined as a person who escapes from custody.

We tend to take good order for granted, but the older people among us will remember the riots in the 1980s. We have had some short hostage incidents in recent years. The frequency of assaults is still a big problem, which I will return to

later. The figures for drug taking show the number of people who test positive following mandatory drug testing: the proportion of positive tests has come down from just over one third to one quarter. It is significant that, as my research director told me, this is during a period in which drug taking in society is thought to have increased threefold. Assaults still present a serious problem, to which Clive and his team referred. That is related to the drug problem—it is part of the same story.

Suicide is a tragedy, but the number of such incidents has dropped, although in society in general, suicides among young men are on the increase. As someone said earlier, we are a microcosm of society and we cannot insulate ourselves.

Slopping out was mentioned earlier and is described in the briefing as access to night sanitation. Slow and steady progress has been made towards ensuring that three quarters of the prison population has access to night sanitation. It is an expensive business, particularly in many of the Victorian establishments, which were not designed to house that facility.

The list of targets in the briefing is the same as that in Clive Fairweather's report and is also included in the "Scottish Prison Service Annual Report and Accounts 1998-99" and the corporate plan, which has been approved by ministers—both of which have been laid before Parliament.

The last two sections of the briefing paper relate to policy and management initiatives. The first lists some of the things that we are doing for prisoners in terms of custody and order, and accountability—including accountability to the Parliament. Organisation has shown a continuous improvement. Changing the management style is essential and is also the most difficult thing to do. As the Parliament has discovered, changing style is culturally difficult. However, we are attempting to move from a centralised, rigid, reactive, hierarchical approach to a more user-friendly, less threatening and more output-driven culture, similar to that which is fostered by many modern businesses. There are no quick fixes.

12:30

My colleagues tell me that international comparisons show that we have a high population of prisoners, but that the problems of drug taking and suicide are experienced throughout western Europe and are not confined to Scotland. The Dutch, the Canadians and others regard Scotland as being in the forefront of humane treatment of prisoners.

When I visited Perth prison, I was surprised to learn that 90 per cent of those entering the prison tested positive for drugs. After making inquiries at

the Prison Service headquarters, I discovered that eight or nine out of 10 of those entering custody—more than 30,000—test positive for drugs and that 80 per cent show one or more signs that identify them as predisposed to suicide. We are dealing with a subset of society that is already extremely disturbed and difficult on arrival. I aim to achieve the outputs that ministers have set me, within the resources that they make available, and to work for continuous improvement.

In my previous life in the rural affairs department, the Rural Affairs Committee visited us at our headquarters in Pentland House, and spent an afternoon going over in more detail the matters that interested the committee members. If members of the Justice and Home Affairs Committee—individually or in groups—would like to visit the SPS headquarters at the Gyle or HMP Edinburgh, which is not that far away, we would be delighted to arrange it. That would allow members to see at first hand some of the things that are happening in the Prison Service.

Phil Gallie: I am sorry Mr Cameron, but the sound system does not seem to be picking up your voice very well. Could you speak a little louder?

Mr Cameron: Members are welcome to visit our headquarters or HMP Edinburgh—Saughton—to see what is going on and to speak to the people involved. I have found that first-hand experience brings it alive and has a greater impact than reading pieces of paper. I realise that you have other work pressures.

The Convener: We will keep that in mind and put it on the agenda for a future date. It might be of particular interest to members who have not been inside a prison. Some of us have—for professional reasons, I hasten to add. [*Laughter.*]

I was interested in what you said about international comparisons, Mr Cameron. Would a broad-brush description be that we jail more people, but treat them better once they are there?

Mr Cameron: As Ed Wozniak, one of my senior officials, told me, the Prison Service cannot determine the number of prisoners; the statistical projections suggest that the prison population might rise further. We have to be ready to deal with those prisoners as well as we can.

The average time that we accommodate prisoners is two months.

The Convener: Is that the average?

Mr Cameron: The total prison population in a year is roughly 36,000 and the total daily population is 6,000—that is one sixth. That suggests that the average stay is two months, which is not long. However, the dispersion between a one-day stay and life is huge and we

must deal with all those groups of people, male and female, young offenders and older prisoners.

Phil Gallie: Given the short time that you have spent in the job, I will ask for your opinion on certain issues. First, we have heard about the difficulties surrounding the retention of prison officers; the representatives of prison officers suggested that there might be problems in the promotion chain. Practical experience can sometimes outweigh educational qualifications—what are your views on that with respect to promotion in the Prison Service?

Secondly, will you examine the system of open visits to prisons? Do you think that open visits should be earned?

Mr Cameron: To answer your first question—and I do so from my previous experience and my knowledge of industry—the turnover of staff in the Scottish Prison Service is not particularly high. Many industries have turnovers which are much higher. In any organisation, a balance must be struck between retaining and making the most of the people that one has and having movement through the system to avoid rigidity. I would want to look at that balance. I have no fixed view about what those proportions should be—that is an on-going issue. There is a market in labour, like any other market, and we must retain, motivate and attract the people whom we need.

I do not have a view on your second question about open visits. If you had asked me two weeks ago whether we allowed them, I would not have been able to answer you. I am not going to express an opinion at the moment because I am aware that there is a history to this issue. I am also aware that, in the prison system, there is an up-the-gears system. People are rewarded for good behaviour and there are penalties for disruptive and bad behaviour. I would want to take a cool look at how open visits work in the context of the other rewards and penalties that exist.

Phil Gallie: I would be happy with an assurance that you will look at the issue.

Mr Cameron: Certainly.

Christine Grahame: I will go easy on you as you have had only 12 days, but I do not think that you can get away with saying that we have more people in prison but treat them better. Clive Fairweather said of Low Moss that it was like going to a world war two prisoner-of-war camp. It is Scotland's most violent prison and there are at least, as I understand it, 362 people in those conditions. He also said that Longriggend, where there are 138 people, was in a dreadful condition and that something should be done about it—I am paraphrasing. We have also heard that Cornton Vale contains sad people, not bad people. The Scottish Prison Service faces major problems.

That is not quite as cosy as the way in which we started, but I am being gentle with you yet.

I am glad to see that changing the management style is on your induction list. The prison officers, whose evidence you heard, talked about high job stress and the failure to consult; they said that they felt that they did not seem to have any input. They may be consulted about something at the beginning, but after that things go through some mysterious system and are handed down to the men who have to work at the basic level of delivering a proper prison service that, we hope, stops people returning to crime. Something must happen about that for the sake of the prison officers. If there is low morale in a profession, reform can be forgotten.

Those are two shots across your bow.

Mr Cameron: I read the report, and I note the bit about Longriggend. You are quite right. I gather that we have not made much recent investment in Longriggend, as we are going to close it. That was announced some months ago.

The Convener: That is definite?

Mr Cameron: Yes.

The Convener: When?

Mr Cameron: The question at the moment is not whether it is going to close, but when and how and what happens to the prisoners. I was told yesterday that an SPS working party is working on the complicated logistics that are required. As Clive Fairweather's team said, we must ensure that we have suitable places in which to put prisoners.

The Convener: When will the decisions be taken? Do you have a time scale?

Mr Cameron: No. That is what the working party is looking at.

The Convener: Is there a time scale for the working party? If we are in a situation where we know that Longriggend is closing but not when or how or what the fallout will be, do we at least know when we will know?

Mr Cameron: I think the answer to that is shortly, in the autumn.

Christine Grahame: That makes it even harder for the staff and for the prisoners, knowing that they are in limbo.

Mr Cameron: The staff know that the prison is scheduled for closure. I noticed it in one of the newsletters being circulated to them; it was one of the first things that I saw when I arrived. Staff also know that there is a working party on the arrangements for closure.

You are right about what the chief inspector's

report says on Longriggend. However, paragraph 5.6 concludes:

"As the century ends, there is much to be optimistic about . . . Inspections of the longer term prisons . . . have led us to conclude that the service is meeting the challenge of protecting the public from serious criminals. It is also tackling, in a rational way, some of the factors which lead to criminal behaviour."

As in any report, one expects to see good and bad. I do not think that any of us would claim that things are perfect—by no means. A lot of work has been and needs to be done at Cornton Vale for those unfortunate people. The question of the numbers at Cornton Vale is, of course, primarily a matter for the judiciary, not the prison service. We must deal with the amount that we are sent.

Christine Grahame: With respect, we heard from the prison officers and from Mr Fairweather that there is no specialist training for officers at Cornton Vale. That seems to be at the core of the problem in relation to young offenders and women prisoners who have special, individual difficulties. I picked up on that this morning; we must address that problem.

Mr Cameron: I will look at it; I heard it for the first time today, as you no doubt did.

The Convener: Have the problems of Longriggend moved on since the report?

Mr Cameron: Yes. The report was for last year.

The Convener: Can we talk briefly about Low Moss? The report identified the way in which uncertainty about the future affected morale. Has that changed since the report, or is that problem still hanging over Low Moss? If we are still uncertain about its future, is there any indication of when a decision will be taken?

Mr Cameron: Low Moss is intended, as I understand it, for continuation. I will be visiting in the next few days to see the position for myself, but my understanding is that there is a continuing need for Low Moss; its location close to Glasgow is particularly helpful. However, we need to make some improvements there.

The Convener: In view of the report, that might be an understatement.

Mr Cameron: As I understand it, many of the prisoners at Low Moss have access to night sanitation. One of the reasons that less has been done there is that a ministerial decision was taken that the priority for the Prison Service was to end slopping out by 2004-05. Most of that work is taking place elsewhere, because the dormitory accommodation at Low Moss already has access to night sanitation.

The Convener: I remain concerned. The report is damning about Low Moss. Among other things,

it is clear that when the report was written there was considerable uncertainty surrounding the prison's future and its role. Are you saying—if you can say—that that uncertainty should be over?

Mr Cameron: Yes. Current indications are that we continue to require Low Moss.

Christine Grahame: That is one of the first prisons that I would want to visit, considering the report. The situation is extraordinary. Unless you are going to have an immediate programme of building and moving wooden huts, it seems disgraceful that the prison should stay open.

Mr Cameron: What would you like to cut in order to do the work at Low Moss? The night sanitation programme?

Christine Grahame: Those are your priorities.

Mr Cameron: Yes, we have decided that that is a priority. If someone wants to adjust it, to what do we give less priority within the sum available?

Tricia Marwick: Are you asking for more resources so that you can do both?

Mr Cameron: Since the block is a zero-sum game, the question remains of where the cut is made to provide for the new initiative. I am talking about the Scottish block, within which the Prison Service operates.

The Convener: Low Moss stands out in the report as a particularly difficult institution. The report flags up a variety of problems: reported violence, levels of unreported violence and an area called "the jungle" or "the dark side". Peppered throughout the report are concerns about poor industrial relations. I do not know whether you are aware in detail of what is going on there, but perhaps you can comment on it.

Mr Cameron: The answer is no.

The Convener: You cannot. The report flags up problems across the board. The provision or otherwise of night sanitation does not affect every one of those issues; it must be only one part of a whole which, thus far, appears to be going badly wrong. On the basis of the report, would you agree?

Mr Cameron: No.

12:45

The Convener: You do not think that anything is going wrong?

Mr Cameron: I did not say that. You said badly wrong. I do not think that anything is going badly wrong.

The Convener: At Low Moss?

Mr Cameron: I do not know about Low Moss. I

have not visited it.

The Convener: We are looking particularly at the issues raised by the report on Low Moss.

Mr Cameron: I cannot comment on the position at Low Moss, other than with respect to what is in the corporate plan, which the committee has.

Pauline McNeill: I would like to develop the human resources theme that Christine Grahame put to you, because you did not really address it. You have said that you have not had a chance to look at the issue, but the committee is more than a little concerned about the report from the trade union side, which says that 61 per cent of staff report working extra, unpaid hours. Of that number, 49 per cent say that they are under undue pressure to do those hours. As a result, they are having difficulty getting their time off in lieu. That will contribute to the sickness record, and it must be contributing to the low morale of officers in the service.

I do not know whether those figures are accurate, but I do not think that you can turn away from the large-scale human resource issues. Christine Grahame has already mentioned the plea by 58 per cent of TUS respondents for more training. An alarming figure of 84 per cent feel that they have not been listened to. We must get human resources right if we are to deliver on the front line some of the things that you mentioned. I am glad to see that you will be changing the style of management. I would like to hear that some priority will be given to addressing the concerns of the TUS, particularly with regard to time off and stress at work.

Mr Cameron: We did not hear from the TUS this morning, did we? We heard from one of the unions, but not the others.

Pauline McNeill: The document is entitled "Work and health in the Scottish Prison Service: a report for the trade union side".

Mr Cameron: I have not seen it and I cannot comment on something that I have not seen. I agree with you on the general issue of the importance of human resources. The Scottish Prison Service has about 5,000 staff, which is about 40 per cent of the total number of staff in the Scottish Executive. That is a huge component of the total number of civil servants. It is self-evident that human resources are hugely important for that number of staff.

Pauline McNeill: I know that you have not read the report, but I would like to point out one figure: 84 per cent of staff say that they do not feel that they have been listened to. That must be a matter of priority.

Mr Cameron: If true, it would be. You are quite right.

Pauline McNeill: What will you do to establish whether the figure is true?

Mr Cameron: We have, I understand, undertaken two independent staff surveys.

Pauline McNeill: Do they bear out what the TUS document says?

Mr Cameron: No, I do not think that they do, but I do not have the details.

The Convener: Can those staff surveys be put into the public domain?

Mr Cameron: I think that they would be; in fact, they may have been.

Ms Ruth Sutherland (Private Secretary to the Chief Executive of the Scottish Prison Service): A programme of staff research is on-going. We recognise the importance of staffing issues and Ed Wozniak and his group are looking at another programme of staff research to sit alongside what the TUS have done.

Pauline McNeill: We would like to get an accurate picture of this, if that is all right.

Mr Cameron: Certainly.

Pauline McNeill: Finally, can you shed any light on why officers are not getting time off in lieu?

The Convener: In fairness, Pauline, Mr Cameron has not seen the trade union report.

Mr Cameron: I have never heard of it.

The Convener: You can take a copy away with you today; perhaps you could write to us with an initial response to what you find there. That would start the ball rolling, at least on the issues that have been mentioned.

Mr Cameron: The trade unions met me yesterday, at my request. Interestingly, they did not mention any of those issues when I invited them to tell me what their current concerns were.

The Convener: That makes it interesting that those are the issues that have been put before us today.

Mr Cameron: Indeed.

The Convener: Perhaps people need to be brought together to communicate.

Mr Cameron: I did not have the issues in my mind because the trade union side did not mention them.

Maureen Macmillan: I, too, want to pick up on the report by the trade unions. I also want to pick up on what Christine said about training, which is crucial and should be prioritised. That may mean employing extra prison officers to cover time off for training.

Mr Cameron: I heard that point.

Maureen Macmillan: I also wonder whether some training is required on the management side. The following comments appear in the document:

"Most stress is caused by inexperienced management who do not realise it is a prison service they are working in. Stop bringing in graduates who don't have a clue."

That is the statement of someone who is totally fed up with a particular situation, but they may be raising an important issue.

Equal opportunities also seem to be an issue. The report indicates that many people feel discriminated against because of age—either because they are young or because they are old—sex, trade union activity, religion, race, disability and sexuality. That covers the whole gamut of equal opportunities issues—both management and prison officers may require training in that area.

Mr Cameron: We can consider that. After such a long list of types of discrimination, one wonders what is left.

Maureen Macmillan: Obviously not much.

Mrs McIntosh: I will not refer Mr Cameron to the report, which he has not read, but I will refer him to one of the slides that he and Mr Wallace were shown. It states that the service failed to meet targets for the number of serious assaults on staff and the number of serious assaults on prisoners. Surely the target has to be nothing. We should not condemn the system to accepting a certain number of assaults—the objective has to be no assaults on either prisoners or staff.

Mr Cameron: As Clive Fairweather said, in an ideal world that would be the case. We are dealing with a far from ideal world. All that we can do is show trends and hope that they indicate an improvement. Unfortunately, that does not appear to be the case with assaults. As Mrs McIntosh observes, this is a serious issue, to which I referred in my opening remarks. It is one of the things that struck me. The targets are those that appear in our annual report to Parliament. I agree that this is a worrying issue; as I understand it, assaults are related to drugs use. I think that the inspector would agree.

I should have said earlier that there are no issues on which I would disagree radically with Clive and his team. The inspectorate seems to have focused on the issues to which my attention has been drawn over the past few days; its priorities are the areas in which we, too, are investing extra effort. I find it heartening that the signals that I am getting during my induction as chief executive are more or less the same as those that Clive is getting as independent

inspector. It is helpful that there is a close correlation between the two and that everyone is pulling in the same direction.

Tricia Marwick: I want to return to your statement that you cannot provide a time scale for the closure of Longriggend. You seemed to accept that no money had been spent on the prison, and that that was why conditions were bad. You seemed also to suggest that, because Longriggend is closing, no money will be spent on it in the interim.

Mr Cameron: I did not say that.

Tricia Marwick: We need to know as soon as possible the timetable for closure of Longriggend. We also need a commitment that, if Longriggend does not close for some time, money will be spent on the prison and it will not be left in its current dilapidated condition. Surely there is some money within the Prison Service to make things a bit better for Longriggend, even though it is shutting down?

Mr Cameron: I cannot answer the detail of your question, but the point is well taken. If the closure is delayed considerably, we cannot continue to allow the prison to fall apart, as that would not enable us to meet other targets as an agency.

I cannot give the committee a precise timetable for the closure, as I do not have one. A team of my senior staff and governors are working on the question of arranging the rest of the estate to facilitate the closure of Longriggend. We would be criticised if we closed it quickly, before proper forethought—prisoners must be kept in custody and we must continue to try to improve their lot.

There are also staffing issues. As I think the inspectorate said, we cannot simply pluck someone from Inverness and put them into Dumfries or wherever overnight, except in a dire emergency. One has to plan staffing as well as prisoner movement to facilitate something as complicated as emptying a prison while making proper provision for the people who are there. I believe that the careful planning that is required—and which this issue is getting—is more important than closing the prison by a certain date. Tricia Marwick's point about not allowing the prison to dilapidate is a fair one.

The Convener: Mr Cameron, it looks as though you have got away with 35 or 40 minutes today; in future, it is unlikely that you will get away with either such a short time or the latitude allowed to someone who is only 12 days into the job. Nevertheless, I thank you for coming today. I hope that you will have found it a useful experience—as it was for us.

Mr Cameron: It was an extremely helpful experience.

The Convener: We look forward to seeing you again.

I wish to say to those committee members who have not had to leave for other engagements that we will meet again at 9.30 on Wednesday morning next week—we start alternating mornings. The agenda will be sent out, but we will return to the consideration of domestic violence and Maureen's proposed committee-initiated bill.

We have confirmed that representatives from a number of organisations will attend next week's meeting, including the Law Society and the Association of Police Superintendents. We still await confirmation from one or two individuals, but we think that the Law Commission will also attend.

Two petitions that have been referred to us by the Public Petitions Committee will be on the agenda, and we will have to decide what we are to do about them. A statutory instrument on criminal legal aid has been referred to us, which will also be on next week's agenda.

I think that, as well as a discussion on domestic violence, a discussion on the issues that have arisen in this morning's evidence should be on the agenda. We should decide how the committee intends to take those issues further.

I advise the committee that there may have been some slippage in the timetable for the introduction of the feudal tenure bill, and that both that bill and the adults with incapacity bill are not likely to appear before the beginning of October. Therefore, we have another three weeks—possibly even four weeks—to move some of these other issues along before we meet the tidal wave of the legislation. I believe that, next Wednesday, we will meet in the chamber, which should be fun.

Phil Gallie: Convener, before you close the meeting, I ask that you do not invite anyone other than the Law Society and the Association of Police Superintendents to next week's meeting. It is obvious that we have had to cut down our questions today, which is somewhat discourteous to some of the people who have come before us. We should limit the number of people who come before us, as that might enable us to give them sufficient time and allow us to cover our business correctly.

13:00

The Convener: I think that that is a difficult judgment to make. As I recall, last week, we dealt with business in only an hour and a half, despite the fact that—

Phil Gallie: However, we have got other business.

The Convener: It is a difficult judgment to make.

The clerk will take that on board and will consider carefully the time that we need before final decisions are made about next Wednesday.

Pauline McNeill: On that point, perhaps the following meeting should be a taking-stock one, so that we can try to take some of this information in. It has been a good day, and I take Phil's point that the people who have come to the meeting to give evidence should be given the maximum amount of time—that is only fair. We should see how the meeting goes next week, but we could think about having perhaps an even more informal meeting when we could develop some of the themes and points.

The Convener: That is an excellent idea, as we have a breathing space that we did not think that we would have. We can consider doing what Pauline suggests on one or two of the September dates that are still available.

Thank you, everyone.

Meeting closed at 13:01.

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