

JUSTICE AND HOME AFFAIRS COMMITTEE

Tuesday 14 December 1999
(*Afternoon*)

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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 :

Tony Cameron (Scottish Prison Service)

Mr Jim Wallace (Deputy First Minister and Minister for Justice)

COMMITTEE CLERK :

Andrew Mylne

SENIOR ASSISTANT CLERK :

Richard Walsh

ASSISTANT CLERK :

Fiona Groves

Scottish Parliament

Justice and Home Affairs Committee

Tuesday 14 December 1999

(Afternoon)

[THE CONVENER *opened the meeting at 15:32*]

The Convener (Roseanna Cunningham): Good afternoon. I have received an apology from Kate MacLean, who is unable to attend this meeting. There is a good deal of media interest in today's proceedings, so I ask members and witnesses to be aware that there are tripod-mounted cameras in the room to capture our meeting for posterity.

When we have finished the evidence session, I will ask the committee to consider on the record how we are to take forward our work on the prisons issue. We have had a draft report, which we deferred because of the cuts and job losses in the Scottish Prison Service, so we must decide how we are now to proceed.

Item 2 on the agenda is a short discussion on the practicalities of the committee's work load after the recess. That part of the meeting should be held in private. It will just involve reporting to the committee the timetabling issues for stage 2 of the bills, requests from the Parliamentary Bureau and other such matters. Does the committee agree to item 2 being held in private?

Members indicated agreement.

The Convener: Does the committee agree to hold a similar discussion at the end of the first meeting after the recess, on 11 January? That meeting will not involve stage 2 consideration of the bills, but we will need to have a brief discussion then about how we will handle those bills in subsequent meetings.

Members indicated agreement.

The Convener: I have been invited back to the bureau yet again on 11 January to discuss what will happen at stage 2. Those issues will therefore remain live.

Scottish Prisons

The Convener: I turn now to today's witnesses. I thank the Deputy First Minister and Minister for Justice for joining us today. This meeting was originally scheduled for tomorrow but, as a result of the Parliamentary Bureau decision to extend

parliamentary business tomorrow morning, there had to be some hasty reorganisation, so I thank him and his office for accommodating that change. It is only with a great deal of to-ing and fro-ing and co-operation that we have been able to secure the minister's attendance this afternoon.

Members will note that the minister is accompanied by Tony Cameron, the chief executive of the Scottish Prison Service. Should we stray into operational matters, Mr Cameron will be able to answer questions on those matters for which the minister does not have day-to-day responsibility. The other gentleman accompanying Mr Wallace is Michael Kellet, the minister's private secretary. He does not intend to answer any questions today, but it is he who has helped to organise today's proceedings, so we thank him.

Mr Wallace, will you make a short opening statement on prisons? For the benefit of the committee, you could focus on what the money diverted from the Scottish Prison Service budget will be spent on in other parts of the justice programme, as there appears to be some confusion about that.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Thank you, convener. I should introduce Ruth Ritchie, who is from the Scottish Executive's finance division.

I welcome this opportunity to meet the committee to discuss recent developments in the Scottish Prison Service. I recognise that the matter has caused concern in some areas. However, as the committee will appreciate, I am responsible for the effective use of taxpayers' resources in the justice department. In reviewing the Executive's justice priorities in recent months, it was necessary to find funding for witness support, for police infrastructure, for the drugs enforcement agency and for tackling domestic abuse.

We will fund those initiatives by utilising funds from a number of sources, including what is known as end-year flexibility from the Scottish Prison Service. The impact of those decisions on the Scottish Prison Service is that the reduction in prison capacity and the consequential reduction in staff complement, which was already planned, will be implemented over the next two years rather than over a longer period.

The committee will be well aware of the detail of the rationalisation of the prison estate, which is now to take place during the first half of 2000. That is an operational matter for the Scottish Prison Service board. As the minister responsible for the Scottish Prison Service, I am satisfied that that task can be carried out without disruption to the normal work of the service. The decision to target establishments for closure to allow the service to live within its revised budget, rather than inflicting

cuts across the prison estate as a whole, seems to be the right approach.

I appreciate that there are issues concerning the future capacity of the prison estate. Historically based projections indicate that the prison population will continue to rise. However, the Government is rigorously advocating the use of alternatives to custody. We anticipate that, as those schemes develop, the projected rise in the prison population, which is already diminishing, will continue to fall.

It is significant that Scotland's prison population has been stable at an average of around 6,000 per annum since 1997-98. However, we cannot be complacent, and that is why the chief executive of the Scottish Prison Service is initiating an immediate review of the prison estate, including its forward capital programme of refurbishment and rebuilding. I anticipate that that will be completed by spring next year. The rationalisation of the prison estate could delay the previous Administration's aspiration of providing night sanitation in all prisons. That issue will be examined by the estates review team that is being set up.

You asked, convener, about the £13 million end-year flexibility that was reallocated from the Scottish Prison Service and about the other areas towards which that will go. Witness support schemes have been piloted in Ayr, Kirkcaldy and Hamilton sheriff courts in recent years. They have been well received by witnesses, who found them reassuring and helpful, at least according to the evaluation that we have carried out. Witnesses play a central role in any justice system. For anyone unfamiliar with the inside of a courtroom, being a witness is often an unnerving and intimidating experience.

I can announce today that £2 million of the money being reallocated from the Scottish Prison Service savings will enable the Executive to roll out the witness support scheme to every sheriff court in Scotland. That is an important, valuable step forward, which I am sure the committee will welcome.

We will also invest heavily in the police's ability to tackle crime in Scotland, thereby allowing the drugs enforcement agency to be established. On top of those commitments, we will invest considerable sums in tackling domestic abuse. I hope that the committee will agree with me that those are important priorities.

While the adjustment of the Scottish Prison Service budget is a major issue in the short term, we want to recognise the excellent work that it undertakes, and which will continue. The service has a first-class record on the secure custody of prisoners and on the various programmes aimed

at their rehabilitation. The programmes will proceed, and we are determined to improve their quality and coverage over time. The overall approach taken by the Scottish Prison Service board means that, for the majority of prison establishments, it will be business as usual. I have every confidence in the service's ability to manage the situation.

Convener, it has been indicated to me that the committee may also wish to spend a little time examining the legislative burden that we jointly face and, in particular, the timetable for the various bills that are before you. I will be happy to answer, or at least try to answer, questions on that matter.

The Convener: We will only reach that if we have time. We may run out of time. I understand, minister, that you are tied to 4.30 pm. Is that right?

Mr Wallace: Yes.

Scott Barrie (Dunfermline West) (Lab): Minister, when we were taking evidence—you have alluded to that evidence today, although the situation is slightly different from what we were led to believe—we saw figures that suggested that there would be an increase in prison numbers over the next couple of years, and then a levelling off at a figure that is higher than the current prison population.

Although I take your point that the Executive is exploring a number of alternatives to custody—and I heartily endorse that because we, as a society, lock up far too many people as it is—can you square the statement that you have just made with what we heard in evidence last month: that there is likely to be an increase in prison numbers at a time when we are reducing the capacity of prisons?

Mr Wallace: I am certainly aware of the projections made by the Scottish Executive's civil and criminal justice statistics unit. Predicting the number of prisoners is notoriously difficult. Some of the projections for the number of prisoners this year, made in the middle of the 1990s, were in the order of 6,700. Last year's prediction for this year was 6,200. By the summer of this year, the number was scaled down to 6,100. The average for the year will in fact be 6,000. As at 3 December, the figure stood at 5,928. Even a prediction made in the summer of this year is out by 100, and there has been a general undershoot.

There is no complacency about the number which will be carefully monitored by the Scottish Prison Service board and which will impinge on its work on the estates review.

I also want to emphasise that, as Mr Barrie rightly mentioned, we have a strong commitment to alternatives to custody. A considerable increase is being made to the resources put into them, and

they should command the confidence of the sheriffs and of the public. They should be seen as tough options and as real alternatives to custody.

I want to cover another important point: capacity numbers. As the committee will be aware, the two prisons that have been earmarked for closure by the SPS board are Penninghame and Dungavel. Penninghame is an open prison, and the figures clearly relate to the fact that Scotland has three open prisons despite the number of prisoners justifying only two. Dungavel is for category C prisoners. There is surplus capacity in the system for that category. Even in March this year, when the prison population reached a peak at more than 6,300, there was still spare capacity—I think of around 180 places—in the open prisons and in the lower-security, category C prisons.

15:45

The Convener: I anticipate that there will be more particular questions about Penninghame and Dungavel. Do you have any follow-up questions, Scott?

Scott Barrie: Minister, I accept the difficulty of estimating prisoner numbers, given that we do not know what the courts may decide to do. What is the contingency plan, if there is one, to avoid serious overcrowding in the Scottish Prison Service if the number rises to the level that has been predicted?

Mr Wallace: Let me make it clear. The announcement does not make overcrowding significantly more likely. Taking into account the nature of the prisons which are earmarked for closure and the security category of prisoners likely to go into them, there is excess capacity in the system, as was demonstrated when the number reached a high earlier this year. If capacity problems emerge, they are more likely to concern the higher-security prisons. It is important to point out that the capital programme for the Scottish Prison Service has not been cut. There are new developments at Perth prison and Polmont young offenders institution.

The estates review will be more properly unveiled later this week. The prison estate will be examined to find out where it is possible to refurbish and where it is possible to have new build within existing perimeters. That review is proceeding. It is right for the Prison Service to examine its estate and work out where improvements can best be made.

Scott Barrie: We were concerned to hear that the proposal to phase out slopping out is to be a casualty of the cuts—or the apparent reduction in the overall budget. Do you have any comments on that, minister?

Mr Wallace: We all agree that we wish to see the end of slopping out. It had been an aspiration that that could be done by 2005. It could be that, as a result of the announcements, that date is set back. I accept that possibility, which depends on a number of factors. One such factor will be the outcome of the prison estates review. Another is whether new halls are built or existing halls are refurbished. Linked to that is the question of whether there will be any increase in prisoner numbers.

The factor that could determine the question of slopping out is not that there is a reduction in the budget—that the £13 million end-year flexibility has been removed—but that, if existing halls are refurbished instead of new halls being built, the decanting of prisoners pending the completion of that work is made more difficult if the number of prisoners increases. Clearly, decanting prisoners becomes easier if a new block is built. It is impossible at this stage to give a prediction. I share with the committee the wish for slopping out to end as soon as is practically possible.

The Convener: In September, slopping out was a priority for the Prison Service. Now, in December, it does not appear to be so. In September, there was a predicted end date for slopping out. In December, we do not have one. Those changes are a direct result of the cuts, are they not?

Mr Wallace: You are right to say that the end date was predicted. There was never a formal target, which ministers sometimes set. I think that I was clear when I answered Mr Barrie earlier: it is no longer considered possible to reach the predicted end date.

The Convener: As a direct result of the cuts.

Mr Wallace: It is one of the results. We do not yet know what the position is. That will depend on decisions that are still to be taken with regard to the future shape of the prison estate and on prisoner numbers. Progress can still be made towards the ending of slopping out, but I will not pretend that there is still a predicted end date.

The Convener: With respect, minister, you have already said to us that the closure decisions that are a result of the cuts were made on the basis of your as yet unfounded assumptions of declining prisoner numbers. We have had evidence that prisoner numbers will rise.

Mr Wallace: I have said that predicting prisoner numbers is notoriously difficult.

The Convener: But you can close prisons only if you predict that prisoner numbers will decrease.

Mr Wallace: I will repeat what I said in my statement. Because of alternatives to custody, we anticipate that the projected rise in the prison

population, which is already diminishing, will continue to fall. It is perhaps significant that the population of Scottish prisons has been stable at an average of 6,000 a year since 1997-98. I went on to say that we cannot be complacent about that, which is why there is a review of the prison estate, including the forward capital programme of refurbishment and rebuilding.

The Convener: A decline in a projected rise and a decline in absolute numbers are different things. You said that the prison closures will take place on the basis of a slowing down of the projected rise. Was that your evidence?

Mr Wallace: That was the evidence. I am sure that the official report will have picked it up and I will give the reporters a copy of my statement so that they can report it accurately. I have also indicated that the prisons that are being closed are not the ones that have experienced problems with overcrowding. The prisons that are being closed are ones where there has been over-capacity. One would not send category A or B prisoners to Penninghame. Even when prisoner numbers reached a peak this year, there was excess capacity in Scotland's open prisons and in category C prisons.

The Convener: I think that we understand what you are trying to say. The difficulty for us is the evidence that we have heard. For example, the fact that Dungavel appeared not to be full to capacity was a result of a decision that was taken to allow the prison to achieve the enormous success that it has done. The end result, however, is the closure of the prison. How can you justify that?

Mr Wallace: The fact that Dungavel was not full to capacity is indicative of the fact that category C prisons were not full to capacity. I did not specify Dungavel, I talked about category C prisons. There were other reasons why Dungavel was an appropriate prison to close. The dormitory-type accommodation was not liked by prisoners or prison officers. It is not the most convenient for visitors to attend. You mentioned the work that has been done towards making Dungavel free of drugs. I am grateful for the opportunity to note it with approval. However, that work is being attempted in all parts of the Prison Service. Similar efforts will be made in Friarton, which is where most of the prisoners from Dungavel will go.

The Convener: Dungavel had made the greatest progress, though.

Mr Wallace: I accept that.

The Convener: Yes or no, minister. Had Dungavel made the greatest progress?

Mr Wallace: I said that I accepted that.

The Convener: And it was one of the shining

examples in the report of Her Majesty's chief inspector of prisons, was it not?

Mr Wallace: The prison did well, but many factors were taken into account.

The Convener: Was the market value of Dungavel a factor?

Mr Wallace: I did not take the decision, but I know that there were a number of factors. Seven criteria were used when the Scottish Prison Service decided to close or, in the case of the Peterhead unit, mothball establishments: operational impact of closure; cost per prisoner place; flexibility of establishment to change its role; maximum use of available accommodation; geographic location; future investment needs; and recent substantial investment. I should also mention that Dungavel was not built as a prison.

Phil Gallie (South of Scotland) (Con): The Scottish Prison Service seems to have been forced to make decisions. How much input did you have into the decisions around the £13.5 million that was marked for redistribution in the justice budget?

Mr Wallace: I have overall responsibility for the justice budget within an Executive that determines the distribution of an overall budget. The Parliament will have an opportunity to consider that tomorrow morning.

As I indicated in my opening remarks, there are a number of competing priorities within the area of justice: the baseline provision, the end-year flexibilities and so on. The budget had to take account of things that the new Administration wanted to do. We want to fund a drugs enforcement agency, we want to support witness support schemes in all Scotland's sheriff courts and we want to fund a crime prevention initiative to make our communities safer. Approval was given last week to stage 1 of the Adults with Incapacity (Scotland) Bill. We are pursuing many initiatives that I hope this committee will support and for which money must be found.

The Scottish Prison Service had accumulated £24 million end-year flexibility—£11 million in the previous year and £13 million from years prior to that. A judgment was made that, of that money, £11 million would be retained by the Prison Service and £13 million would be spent on other items in the justice budget that are identified by everyone as priorities.

Phil Gallie: I recognise that you must prioritise. I am a little surprised to hear today that £2 million has been announced for the witness support scheme. While we welcome that initiative, it did not seem to be a factor in previous debates.

Was it not unfair to hit the new chief executive of prisons with a reduction in his budget one month

after he took up his post? Surely it would have been reasonable to allow Mr Cameron to settle in to his job before reviewing his budget. Have you not undermined Mr Cameron in the eyes of the warders who have worked hard to make the savings of £13 million?

Mr Wallace: I am sure that Mr Cameron can speak for himself. I have every confidence in his ability to lead the Prison Service in his role as chief executive. I have had regular meetings with him since he took up that post, and I do not believe that he feels undermined in any way. He feels perfectly able to cope with the challenge with which he was presented as a consequence of the budgetary decisions. Mr Cameron can say whether he feels undermined or not.

Tony Cameron (Scottish Prison Service): I agree entirely with what Mr Wallace has said.

16:00

Phil Gallie: You may agree with him, but it could be said that you are disagreeing with the evidence that we have taken from the warders, the people whom you control and for whom you are responsible. Although it might be reasonable to expect, Mr Wallace, that at present Mr Cameron feels totally unaffected by what has happened and on top of the job, it may just be that he has not got down yet to the roots of the problem and does not realise what dismay the staff of the Scottish Prison Service feel.

Tony Cameron: That may be true, but the fact of the matter is—

Phil Gallie: I was addressing the minister.

Tony Cameron: It is true that I agree with what the minister said and disagree with some of the evidence that you have received, which was inaccurate and wrong.

Mr Wallace: Mr Cameron is an experienced civil servant of the highest calibre and is more than equal to the challenge that he has been set. That will become evident as time passes.

Phil Gallie: That is not the point, Mr Wallace. The fact that Mr Cameron is very capable goes without saying, given the level to which he has risen in the civil service. However, for any new manager who is coming into a major position and is inexperienced in that particular area of operation suddenly to be faced with a considerable budget cut, before having had a chance to examine all the circumstances is, surely, unfair.

Mr Wallace: I want to record that I am aware of the steps that Mr Cameron has taken to ensure that, at critical times in this process, his governors and staff were kept as fully informed as possible and that decisions were communicated to them as

quickly as possible.

Phil Gallie: There is no argument about the speed of communication. It had to be fast, given the speed of closures.

Mr Wallace: To be fair, Mr Gallie, Mr Cameron took considerable steps to ensure that his staff found out what was happening from him and from the board, rather than from newspaper reports. He acted very properly from the point of view of personnel management.

I want to make one other point. You talk about budget cuts, and £13 million of the end-year flexibility has, indeed, been removed. It is worth putting on record that the baseline budget for the Scottish Prison Service continues to increase.

Phil Gallie: I want to change tack slightly. The recent report by the chief inspector of prisons for Scotland recognises that there is still overcrowding and that there are considerable problems of drug abuse, but we are planning to remove 400 experienced officers from the Scottish Prison Service. Not long ago, I asked you a question in the chamber about the number of time-off-in-lieu hours that were outstanding—currently more than 100,000 hours, which, I was told, equated to 20 hours per man. However, on further investigation one finds that the situation varies across the service and that there are very high pockets of time off in lieu in the key prisons. Have you given any further thought to that? Has there been any thought of slowing down the removal of prison officers from the service?

Mr Wallace: That is very much an operational matter, although I am aware that people often want to arrange time off in lieu to suit their personal circumstances.

Phil Gallie: They cannot in some prisons.

Mr Wallace: Mr Gallie has referred to the report of Her Majesty's chief inspector of prisons, which was published in August this year. I want to draw the committee's attention to the fact that the chief inspector indicated that, earlier in the decade, the prison population was expected to rise to nearly 7,000 this year. That underlines what I was saying about how notoriously difficult it is to predict numbers in prison.

The chief inspector went on to say:

"An end to over-population will mean that much needed additional refurbishment can be effected throughout the prison estate. Consideration might even be given to closing one or two of the more isolated establishments."

In the summer of this year, when the estimate of the prison population—

The Convener: Mr Wallace, I do not want us to keep going over this. There is a clear difference in evidence that we have taken on the expected rise

in prison population.

Mr Wallace: I was not challenging the evidence that you have received on the projections. I was just putting it in context and making the point that in the summer of this year, when Mr Fairweather was drawing up his report, the estimated prison population for the current year was 6,100. The actual total is nearer 6,000. Within even the few months since the summer—

Phil Gallie: Mr Fairweather also pointed out—

Mr Wallace: Even then, Mr Fairweather said that there was scope for the closure of one or two of the more isolated establishments.

The Convener: We would be considerably more impressed, Mr Wallace, if the closure of prisons had been delayed until we could actually see a decline in numbers. Phil, you have one more question.

Phil Gallie: Mr Fairweather also pointed out that it is always important in the Scottish Prison Service to have 120-odd places vacant to deal with emergency situations. The closures will make that impossible. Have you any thoughts on that?

Mr Wallace: The Scottish Prison Service continues to have in place appropriate contingency plans for emergency situations.

Phil Gallie: But not 120 places. That is being reviewed.

Mr Wallace: In the summer of this year, Mr Fairweather thought that there was scope for closing one or two establishments.

Christine Grahame (South of Scotland) (SNP): I will try to keep my questions short, and I hope that I will get short answers. When was consideration first given to £13 million being taken from the prison fund—consideration given to that, rather than a decision taken on it?

Mr Wallace: Once we knew what the justice department's budget was to be, following discussions with the Minister for Finance, and once it had been agreed by the Cabinet, consideration had to be given to how that budget should be divvied up within the department.

Christine Grahame: When was that?

Mr Wallace: You may recall that Mr McConnell made an announcement to the Parliament on 6 October.

Christine Grahame: So, prior to that, no consideration was given to taking funds from the prison reserves or piggy-bank?

Mr Wallace: As you may know, in the run-up to the decision by the Minister for Finance, great efforts are made to secure budgets. The justice department kept its budget intact this year, but

only once we knew what the budget was going to be was it possible to make the decisions that flowed from that.

Christine Grahame: So the £13 million was never discussed and, before 6 October, there was no suggestion of money being taken from the prisons budget?

Mr Wallace: Clearly, in my negotiations with Mr McConnell he was aware that there was £24 million end-year flexibility, along with other end-year flexibilities in the justice budget. That was a matter for bilateral negotiation. We were not unaware that the money was there and that, theoretically, it was possible to use it to fund justice department priorities. However, we could not get down to making hard-and-fast decisions until we knew what the budget was going to be.

Christine Grahame: That is why I made the distinction between consideration and decisions.

At any time before Mr Cameron's appointment, was he aware that there might be some erosion of the prisons budget, even if a decision had not been taken?

Mr Wallace: That is a question for Mr Cameron.

Christine Grahame: I will put it to him.

Tony Cameron: No. At that time I was dealing with agriculture and food, rather than prisons.

Christine Grahame: That is a straightforward answer to a straightforward question.

I was interested in what you said, Mr Wallace, about prison officers being at the core of the workings of the prison system. I refer you to the evidence that we took on 23 November from Derek Turner of the Scottish Prison Officers Association, which appears at column 467 of the *Official Report*, and on 1 December from the Prison Staff Association. The representatives of both associations made it plain that the staff are devastated. In fact, they used exactly the same language. Given that that is the position of the prisons' operational staff, how do you plan to tackle restoring trust and morale in the Scottish Prison Service?

Mr Wallace: That is a matter for the board of the Scottish Prison Service. I had a very constructive meeting with representatives of the prison staff, who are willing to engage in discussion with the board of the Scottish Prison Service. I am not pretending that they were happy with the situation, but I was impressed by the constructive way in which they addressed it. Day-to-day industrial relations between employer and employee are an operational matter for the Scottish Prison Service.

Christine Grahame: Do you think that low morale among employees will have any impact on the inmates?

Mr Wallace: That is an operational matter. Prison officers are committed to their job and realise its importance and seriousness. They conduct themselves in a professional manner.

Christine Grahame: What financial assistance will be available for relocation of prison officers? I understand that some officers have relocated to Dungavel, only to find that they will have to move again.

Mr Wallace: Exit packages are on offer. It may be more appropriate for Mr Cameron to give the details.

The Convener: Briefly, please.

Christine Grahame: But relocation packages are available?

Tony Cameron: Relocation packages are available for those who require them. Some people will move to prisons that are nearer where they live and others to prisons that are further away.

Christine Grahame: Another point, which Clive Fairweather observed in his report and which was picked up by the prison officers, is the need for training. Many officers will have worked in a certain category of prison with a certain kind of prisoner and will now be decanted—some against their will—to prisons with different kinds of prisoners. What training, if any, will be given to those officers?

Tony Cameron: Prison officers will receive whatever training the governors in the receiving establishments judge necessary.

Christine Grahame: Will there be a change in the training programme?

Tony Cameron: Yes. We need to train people for the task. We are no longer recruiting, so we will do less recruitment training.

Christine Grahame: I appreciate that other members want to ask questions, but I have one final point. The closure of Penninghame is another issue, which was raised in evidence by the Prison Staff Association on 1 December. Its view was that Penninghame was not sufficiently used, but that that was the fault not of Penninghame, but of the Scottish Prison Service. I recall that the witnesses were dismayed by the closure, because there is a great reduction in recidivism among prisoners who go to Penninghame. The Prison Staff Association was concerned that cutting the open prison service would lead to a cycle of prisoners reoffending.

Tony Cameron: That is not true. The Prison Service's decision was not a reflection on the work of the staff at Penninghame, which is excellent, but was based on the nature of the building and its location. We do not agree that programmes to

address reoffending will be affected materially by the closure; indeed, they may be enhanced, because less money will be spent on Penninghame.

Christine Grahame: The prison officers made the point that Penninghame open prison was not sufficiently utilised by the Prison Service.

Mr Wallace: That is the point that I tried to make earlier. There is overcapacity in open prisons.

Christine Grahame: That is not the point that the prison officers made. They said that not enough prisoners—

Mr Wallace: With respect, Mrs Grahame, those are two sides of the same coin. The prison was underutilised.

Christine Grahame: The point that was made was that prisoners were not encouraged to go through open prisons and to get training, which we have heard is more difficult elsewhere.

Tony Cameron: I saw the evidence. We disagree with it.

Christine Grahame: You may disagree with it, but that was the evidence.

Mr Wallace: It is up to the committee to evaluate the evidence before it. However, it is important to point out that there is also evidence that Scotland requires two, not three, open prisons. The Prison Service is closing the smallest of the three establishments, which is in a remote site that is sometimes difficult to reach for visits. If an emergency were to arise—

The Convener: That was the only prison, apart from Dungavel, that had a market value next to it in the options paper. Would you care to comment on that?

Mr Wallace: I gave you the list of criteria, of which that is one. You would fully expect those of us who are charged with responsibility for the public purse to get best value, while ensuring that operational requirements are met. Overcapacity clearly existed. Is the committee satisfied that the priorities I identified in other areas of the justice budget are ones that should be met? If so, does the committee propose to identify other areas that should be cut, or is it suggesting that other prisons should have been cut?

The Convener: With respect, minister, it would be reasonable to summarise the view of the committee as being that you have taken a real flier at this. You have crossed your fingers, you hope that the numbers will go down and, if they do not, we still be stuck with fewer prisons.

Mr Wallace: With respect, if that is what the committee thinks, it has missed the point.

The Convener: There may be a difference of opinion as to what the point is.

16:15

Mr Wallace: The point that I have tried to convey to the committee is that the prisons that are marked for closure are ones where there was considerable overcapacity, even when prison numbers were high. I have not avoided the problems with higher-security prisons, which is why the Prison Service is setting up an estates review. The committee will no doubt want to return to that issue when the review reports. That is part of the overall picture. Is it being suggested that it might have been more appropriate to close other prisons or that we should not invest more in victim support or the drugs enforcement agency?

The Convener: Come on, minister. Instead of you asking the committee detailed questions—when it is quite clear that the committee is of the view that no prisons should have been closed—I will let Christine ask one more question.

Christine Grahame: My question follows on from what has been said about the value placed on prisons. Have there been any discussions with private providers of prison services regarding the sale of Penninghame, Dungavel or Dumfries prisons? The fact that there is suspicion that the Prison Service will be privatised, and that that is why those prisons are on the market, was raised with us in evidence.

Mr Wallace: I have not had any such discussions.

Tony Cameron: I have not had any such discussions either.

Christine Grahame: Are you aware that any such discussions have taken place, even if you have not been involved personally?

Mr Wallace: No.

Tony Cameron: No.

Euan Robson (Roxburgh and Berwickshire) (LD): Minister, you mentioned alternatives to custody. Which types of offender would qualify for alternatives to custody and which would go into custody?

Mr Wallace: Inevitably, prisoners who fall into lower-security categories would qualify for alternatives to custody. The prison population can be categorised in a number of ways, for example those who are serving mandatory life sentences. There are also 1,800 prisoners who are serving sentences for serious crimes of violence and sexual offences. Others are in prison for serious drug offences, particularly drug dealing. Prison remains the proper disposal for those people. However, about 2,700 people in prisons are,

arguably, not a risk to the public. In some of those cases, prison will no doubt be the proper disposal. At the end of the day, that is for the courts to determine in the light of all the circumstances. For some of those people though, community-based sentences would be more appropriate.

Euan Robson: There is supposedly overcapacity in open prisons at the moment.

Mr Wallace: There is overcapacity in open prisons and in category C prisons.

Euan Robson: The policy is that there will be alternatives to custody. If that policy is successful, are we liable to see fewer prisoners in lower-security and open prisons?

Mr Wallace: That would be the expectation and the objective. However, at the end of the day, those are matters for the courts. I want to ensure that the courts have at their disposal a robust range of sentences, including non-custodial sentences, in which they and the public have confidence.

Euan Robson: In simple terms, we could characterise the prison estate as lacking higher-security provision, but having too much lower-security and open prison provision. Are you saying that fewer people might need lower-security provision were the policy objective to be successful?

Mr Wallace: Yes. If the policy is successful, those who are likely to get non-custodial sentences—and who would have got custodial sentences in the past—are likely to be at the lower end of the security scale. If there is a problem—or the potential for one—it is at the higher-security end.

Euan Robson: Was there any consideration of the future success of the policy of alternatives in the decisions to close Dungavel and Penninghame?

Mr Wallace: Those were operational decisions taken by the Scottish Prison Service. I am sure that the service takes such decisions with the knowledge of where there is current excess capacity—particularly in open and category C prisons—and against a background of the Executive policy to increase the use of non-custodial sentencing.

Euan Robson: I have a question about Longriggend, which I visited with other members of the committee. A question was put to me about remand prisoners. At Longriggend, we saw that all types of remand prisoners were put together and concern was expressed that some of those people, if convicted, might be category C, while others would be of a higher category. Is it sensible to mix those remand prisoners? Given the closure of Longriggend, is there an opportunity to create

new arrangements to stream prisoners in some way?

Mr Wallace: I am advised that, technically, all remand prisoners are category B. I take your point—there are varying degrees of alleged crime that give rise to their situation. It is my understanding that, following the closure of Longriggend, there will be better arrangements regarding categorisation. Mr Cameron may want to comment on that.

Euan Robson: Perhaps I can sum up my point by saying that the drug user and the drug dealer are potentially cheek by jowl.

Mr Wallace: I understand that the new arrangements will try to address that.

Tony Cameron: Longriggend is unsatisfactory in several respects. Letham hall at Barlinnie, which is where the remaining prisoners from Longriggend will go when it closes, is a better destination in terms of care and separation. That will allow those prisoners awaiting deportation—a different category altogether—to go to Greenock, which is being refurbished. Currently, those prisoners are also mixed up with the remand prisoners at Longriggend.

Pauline McNeill (Glasgow Kelvin) (Lab): Mr Wallace, the initiatives that you outlined are good, but the committee, perhaps coming from a different angle, wants to be satisfied that the end result is not detrimental to the Prison Service. I am sure that you would accept that that is part of our role.

Mr Wallace: That is absolutely fair. I want to ensure that it is not detrimental to securing prisoners.

Pauline McNeill: That is where my concerns lie. At the moment, I am not convinced that this is not detrimental to the service. You have said that you have to find money from the justice budget to direct towards the initiatives. Does that money come only from the Prison Service budget or does it come from the budgets of other departments?

Mr Wallace: The money comes from several sources. There was some money from end-year flexibility in the courts budget, from the underspend on criminal injuries compensation—that is a demand-led budget—and from the capital modernisation programme. The £13 million is part of that money, but not all of it.

Pauline McNeill: But primarily, the money comes from the Prison Service budget?

Mr Wallace: We take the total budget and draw resources from different areas. The total cumulative end-year flexibility for the Prison Service was £24 million, of which £13 million was allocated to other areas. There were other sources

as well.

Pauline McNeill: The committee was circulated with a copy of an e-mail, which said that there had been an unusually high order for bunk beds, leading to an assumption that there would be some doubling up in the remaining prisons. That causes us some concern. Such doubling up could lead to potentially dangerous situations. Other members have asked about the spare capacity that is left in the service, for example, in case of riots—I want to pin you down on that.

Mr Wallace: As I said earlier, contingency places are available in the event of emergencies.

Pauline McNeill: What spare capacity will that leave? Can you say?

Mr Wallace: I will try to give you figures for that.

Pauline McNeill: We can come back to the question.

Mr Wallace: Perhaps Mr Cameron would address the issue of the bunk beds, as that it is a detail on which I cannot comment.

Tony Cameron: As far as I am aware, that was a leaked document, and we are investigating where the leak came from. It is the Executive's policy not to comment on leaked documents.

The Convener: You are sitting next to the minister who is responsible for freedom of information, Mr Cameron. In those circumstances, perhaps you might like to comment on the e-mail that we have all read.

Tony Cameron: No. We are still investigating the matter. Criminal issues might be involved, as well as employment ones, which might result in disciplinary action.

The Convener: My colleague has suggested that that means it must be true.

Tony Cameron: I can make no comment on a leaked document.

Pauline McNeill: It is important that we saw that e-mail, because it raises important issues.

Tony Cameron: I grant that there are operational issues, but I cannot comment on a leaked document.

Mr Wallace: I have no knowledge of the purchase of bunk beds.

Phil Gallie: Given the prison inspector's report, which shows that Greenock prison was 14 per cent overcrowded, and Mr Cameron's suggestion that prisoners from Longriggend would be moved to Greenock, perhaps that is where the bunk beds are going.

Pauline McNeill: It was not a question about bunk beds. I want to know what spare capacity

there is in the service for emergencies. We heard evidence last week from the Prison Staff Association, which said that the required capacity was about 100. What is your view on that?

Mr Wallace: The design capacity of the estate after rationalisation was 6,117. As I said, refurbishment is under way and there will be a review of the estate, which will consider the possibility of building new halls. Information about the places available in case of emergency is not given out. I hope that the committee will understand that that is for obvious security reasons. That is the advice that I have been given.

The Convener: With respect, minister, the previous figure was given to us openly. Why the sudden coyness?

16:30

Pauline McNeill: We heard evidence last week from the Prison Staff Association, that they had been told that the required capacity was in the region of 100.

Tony Cameron: I have read that, but I can neither confirm nor deny it.

Pauline McNeill: That is a concern about which we feel we must press you. If we are to be satisfied about the closure of those prisons, we must be convinced that the capacity exists to cope with that scenario.

Mr Wallace: The important point is not the numbers, but whether the Prison Service believes it has the capacity to take account of emergencies. Mr Cameron confirms that it does.

Tony Cameron: We do.

Pauline McNeill: I am running out of time. Other members have previously pressed Mr Wallace and Mr Cameron about the moving targets on slopping out. We are concerned about that. Would anything persuade you that we should go back to the first targets that we set?

Mr Wallace: A formal target was never set. The Prison Service has a number of targets that it is expected to meet. Ministers set those out annually and they appear in the Prison Service's corporate plan, but there has never been such a target for slopping out.

It was hoped that slopping out could be ended by 2005 but, as I said to Mr Barrie, that might slip as a result of the rationalisation that has taken place. If it does, the extent will depend on a number of factors such as decisions that will be made following the estates review and whether there will be refurbishment of existing halls or building of new halls. It will also depend on prison numbers. As I said, refurbishment makes decanting necessary and that is more difficult as a

result of what has happened. It is easier to get on with building new halls without the need to decant because we can make more progress.

Do not get me wrong—I would like progress to be made towards ending slopping out. It is important to recognise that there has not been a cut in the capital budget for rebuilding and refurbishment in the prison estate programme; the problem is moving prisoners around.

Pauline McNeill: I had the opportunity to visit Low Moss, which has been represented to us as Scotland's most violent prison. We were concerned about the conditions when we went out there. Will there be any money in the budget to address the investment that Low Moss might need?

Mr Wallace: The Prison Service's announcement indicated that the condition of Low Moss is being examined. Efforts are being made to ensure that it is managed as effectively as possible. Recent investments have included the installation of closed circuit television cameras in dormitories. Low Moss will be included in the overall review of the estate to which I have referred.

Pauline McNeill: The members who visited Low Moss think that more than CCTV cameras are required. The dormitory arrangement must also be examined. The evidence we got when we visited was that that is part of the problem.

Mr Wallace: The condition of Low Moss will be examined as part of the prison estate review that is about to take place.

The Convener: Four members are still waiting to ask questions. We will not get on to the other issues that we might have covered had there been time. Will the four members please ask a question each so that we can proceed quickly?

Gordon Jackson (Glasgow Govan) (Lab): I am interested in prison numbers. I do not share the view that those establishments should be closed. Although I understand the argument and it seems rational, I still worry about the future.

There are two possibilities: more space or fewer prisoners. Far too many people are in jail and you are a bit vague about what you are going to do about that. Have numbers been worked out in relation to alternatives to custody? If we were to use those alternatives, they might accommodate 200 prisoners. It is all very well to say that that is a matter for the courts, but it is not. The courts, to some extent, do what they are told. If legislation says that the courts cannot send people to jail except in certain circumstances, the courts cannot send them to jail, so prison numbers are, to some extent, controlled by legislation.

What legislative plans are there to deal with, for

example, fine defaulters going to prison? Do you think that they should go to prison? We should have specific proposals on how to cut numbers using alternatives to custody.

Mr Wallace: I was wondering what you were going to say when you said that the courts could be told what to do. I thought that we were going down a rather dangerous road. It is invidious to make those projections, given that it is not within the Executive's power to determine what the courts will do. We must ensure that a range of sentences is available to the courts.

There is now a scheme throughout Scotland, that allows supervision as an alternative to prison for fine defaulting. It does not rule out prison as an option if a sheriff thinks it appropriate, but the scheme provides an alternative for the sheriff, and permits the circumstances of a case to be taken into account.

The drug treatment and testing orders will focus on the rehabilitation of a person who is convicted of a crime that was committed to fund drug abuse. We have started a pilot scheme for that in Glasgow and funding for it is to be doubled from April next year. A pilot scheme will be started in Fife in April, so we can evaluate the scheme in two different areas. The scheme involves regular contact between the offender and the sheriff and looks towards rehabilitation rather than imprisonment. Electronic tagging is being piloted in three sheriff courts. We will continue to evaluate that for another year. Diversions from prosecution have been undertaken in 18 local authority areas and are currently the subject of an evaluation by the University of Stirling.

The amount of money that has been spent on developing the range of alternatives to custody has increased considerably over recent years. We are trying to ensure that courts have a wide range of sentences, which they deem appropriate to particular circumstances. Figures show that in recent years more people have had sentences that I describe as "in the community". The sentences have often been alternatives to fines rather than to imprisonment. We must ensure that the judiciary views those alternatives as appropriate alternatives to imprisonment.

Gordon Jackson: Courts do what they are told; that is the purpose of legislation. Why do you not legislate to ensure that fine defaulters do not go to jail any more? Prison governors would welcome such prisoners being cleared out. We should take radical steps to instruct the sentencers that it is no longer appropriate in certain situations to give a jail sentence.

Mr Wallace: I cannot say that that is part of the Executive's legislative programme, because it is not. Mr Jackson has raised an interesting subject

for further reflection, but an alternative to jail for fine defaulting has been in place since 1998 and is available throughout Scotland. One hopes that sheriffs are not only aware of it but that they feel that that is a more appropriate disposal than sending someone to jail.

Mrs Lyndsay McIntosh (Central Scotland) (Con): We welcome your comments about witness support. What can you tell us about what you will do for victim support? I think I quote you directly as saying that it is "notoriously difficult" to predict prison numbers. If that is the case, why have you relied on the statisticians' figures, which have been considered erroneous until now?

Mr Wallace: In answer to the first question, we intend to rollout the witness support schemes from the three pilot schemes—the pilot schemes might total six, as we intended to double the number and I cannot remember off the top of my head whether the other three are in place yet. They are run with substantial co-operation from Victim Support Scotland, which will be very much involved in the rollout to the whole of Scotland.

Mrs McIntosh: Victim Support Scotland is also very short of cash.

Mr Wallace: A sum of £2 million is going into this.

Mrs McIntosh: Is that for witness support or for Victim Support?

Mr Wallace: It is for the witness support scheme—bear in mind that many victims of crime end up as witnesses and must give evidence. The experience of the schemes that are already in place in Kirkcaldy, Ayr and Hamilton has been very positive. The witnesses have someone there who is independent of the legal system. That person is a friendly face who can talk them through the process, identify some of the issues and problems and tell them what they are likely to see when they enter the court. People who have used those schemes have found them valuable and worthwhile, which is why I have said that it would be good to roll the scheme out throughout Scotland. That is what we intend to do.

I am not sure that I followed your second question. I said that if we had, gone on the prison population projections made in the mid-1990s—I believe it was 1997, which was not that long ago—the expected average prison population for the current year would have been 6,750. In fact it is 750 less than that. The point I made was that the figures are unreliable—

Mrs McIntosh: But you rely on them.

Mr Wallace: Well, they are there. The concern expressed earlier was that the figure would be 6,700 in 2004. Those levels were predicted two years ago, but have not been reached. In fact, the

figure has fallen a long way short of that. There is some stabilisation. We are promoting alternatives to custody, so we suggest that you should be cautious about accepting that the prison population will be 6,700 in 2004.

Mrs McIntosh: In that case, are you planning for the failure of the drugs enforcement agency?

Mr Wallace: No, certainly not. The drugs enforcement agency represents an important policy—Angus MacKay unveiled its structure today. I know that the follow-up to your question will be, “If it is successful, will you have more people in prison?” It is a point that Mr Gallie has made. However, I assure you that the kind of drug dealers at whom the drugs enforcement agency is particularly directed will not be going to the open prison at Penninghame or the category C prison at Dungavel—they will be high-security prisoners. Mr Cameron says that we will find room for them.

Mrs McIntosh: I sincerely hope so.

Mr Wallace: An important part of the Government’s policy for tackling drug abuse is to gather intelligence and target those higher up the drug supply chain to cut the supply. It is also about education, health and trying to reduce the number of petty drug offenders—

The Convener: Minister, if you do not mind me interrupting, we have all heard the PR for the drugs enforcement agency. I would rather concentrate on prisons for the final few minutes. Lyndsay, do you have another specific issue related to prisons?

16:45

Mrs McIntosh: I am concerned about whistle-blowers—those who try to bring us helpful information—because of the risks that they are likely to run.

The Convener: That is a reasonable comment that other members of the committee will wish to take on board. One or two other people wanted to ask questions, but I do not think that we have—

Mr Wallace: If they are quick, I can try to answer them.

The Convener: Thank you, minister. I can go to Maureen, then.

Maureen Macmillan (Highlands and Islands) (Lab): My question has been covered.

The Convener: Tricia?

Tricia Marwick (Mid Scotland and Fife) (SNP): I am curious about targets, aspirations and ministerial decisions with regard to the ending of slopping out by 2004-05. We were first told that that was not a target, but merely an aspiration. Yet, when Mr Cameron gave evidence to the

committee in September, he said that it was a ministerial decision that the priority for the Scottish Prison Service was to end slopping out by 2004-05. What is the difference between a ministerial decision that that was the priority for the whole Prison Service, and a target—which might now be an aspiration?

Mr Wallace: As I tried to explain before, targets are formally agreed between ministers and the Scottish Prison Service. I am sure that I set them out in a parliamentary written answer. They are formal targets that relate to a number of points such as, for example, that there should be no security—

Tricia Marwick: But is a target more important than an aspiration? Is it more important than a ministerial decision? When was the ministerial decision changed?

Mr Wallace: Targets are a formal part—and perhaps this is where there has been some confusion—of the relationship between ministers and the Scottish Prison Service, which is an executive agency of the Government. Mr Cameron and his staff are required formally to meet those targets. Targets differ from what have been described as aspirations. I indicated in my first answer to Mr Barrie that I wish to see the end of slopping out—refurbishments that are still to be carried out will allow progress to be made on that. I have said candidly to the committee that decisions are still to be made about whether to build a few halls or to refurbish existing ones. The ability to decant prisoners, pending that work being undertaken, depends on the number of prisoners in a particular category. I cannot say for certain whether that target—sorry, aspiration—of ending slopping out by 2005 will be met. I would not be doing a service to the committee if I were to try to pretend otherwise. I hope that we can continue to make progress towards ending slopping out.

Tricia Marwick: When Mr Cameron gave us evidence earlier, he posed a question to us, as you did earlier this evening, about what work we would like to be carried out. When we talked about the condition of Low Moss, Mr Cameron said that no work had been done because the night sanitation programme was the priority. He asked what we wanted the Scottish Prison Service to do and whether we wanted it to cut the night sanitation programme. You are constantly challenging us on our priorities, but your priorities and targets seem to change from month to month.

Mr Wallace: Those decisions were made by the board with regard to the criteria that I have already described. Retention of Low Moss was favoured because it is convenient for visiting families. That is an important point. It has a low cost per prisoner place, industrial productivity is high and

economically advantageous and it provides a high proportion of category C places. To put this in context, we are talking about—

Tony Cameron: It has night sanitation.

Mr Wallace: It has night sanitation—another factor about Low Moss of which I think the committee would approve. I think I am right in saying that the number of prison places lost by the closure of Low Moss would have been considerably greater than the number lost by the closure of Dungavel. The concerns that the committee has expressed to me today point more in the direction of the closure of Dungavel than the closure of Low Moss.

Tricia Marwick: Low Moss is in the most appalling condition. Everybody acknowledges how appalling Low Moss is. One reason why the money was not spent on Low Moss was that the priority was the night sanitation programme. Apart from the ditching of the night sanitation programme, Low Moss is in an appalling condition, although we have £13 million that could have been used to improve Low Moss in the past. Are you telling us that you are going to find the money to do something about Low Moss now?

Mr Wallace: I am telling you several things. First, the condition of Low Moss will be examined in the overall review of the whole prison estate, to which I have already referred. Secondly, that £13 million was not going to be used to improve conditions or the fabric at Low Moss.

Tricia Marwick: That money will not be used for anything now, as it has been removed.

Mr Wallace: You asked me what the money was going to be used for before. It was going to be used—

Tricia Marwick: It is not being used for anything.

Mr Wallace: Let me go back to square one. That £13 million was there, and there was going to be a rationalisation of the prison estate over a longer period. That money would have been required to pay salaries and exit packages over that period. That money has been removed to fund several of the other priorities that I have mentioned. Therefore, the rationalisation of the prison estate, the reduction in the prison staff and the putting together of exit packages are being accelerated. It is a question of timing, rather than of what was going to be done. That £13 million was not earmarked for extending night sanitation. It was there to allow the rationalisation of the prison estate to take place over a longer period.

Tricia Marwick: With respect, minister, £13 million was not spent. You might have had plans for that money in the longer, the shorter or the medium term; however, the fact is that that £13

million, which could have been spent on the likes of Low Moss, on a night sanitation programme, was not spent, and has now been lost to the Prison Service as a whole.

Mr Wallace: That money was not going to be spent on the refurbishment of Low Moss. The capital budget has not been cut. The baseline budget of the Prison Service has not been cut. That £13 million has been spent on other priorities in the justice department, such as establishing a drugs enforcement agency, tackling domestic violence and establishing a witness support scheme for all Scotland's sheriff courts. Those are proper priorities. Government is about making choices. Those are the choices that we have made, on which the committee will, no doubt, want to pass judgment.

Tricia Marwick: Are those still going to be the changes in two months' time? The priority of the Scottish Prison Service was to end slopping out by 2004-05, but that was turned on its end within months. Are the policies that you are now outlining going to be overturned in another couple of months?

Mr Wallace: I will check the record carefully. Although I have clearly stated that I want slopping out to end, I do not recall making a ministerial decision on that. I am fairly confident that I did not; however, I shall stand corrected if anyone can show me the record of my making that decision.

Tricia Marwick: So Mr Cameron was wrong when he told this committee, on 14 September:

"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."—*[Official Report, Justice and Home Affairs Committee, 14 September 1999; c 151.]*

Was Mr Cameron telling the truth? Was there a ministerial decision?

Mr Wallace: I have said that I did not make that ministerial decision. It may have been indicated in the past that that was a target—I am sorry—an aim. It was not a formal target.

Tricia Marwick: An aspiration, perhaps?

Mr Wallace: It was an aim and an aspiration, and I still want that to happen. However, the £13 million was not going to be used for that purpose. The ending of slopping out may be delayed, not because part of that £13 million was going to be used for actual works, but because, as I tried to explain, the issue relates to whether prisoners can be moved around while essential work is being done. The capital budget for refurbishment of our prisons has remained intact.

Phil Gallie: The Executive document "Making it Work Together" says:

"by September 1999 › We will tackle the problem of drugs in prisons."

The prison inspector's report has been published, the findings of which are very serious as they indicate a 70 per cent incidence of drug abuse. How does the removal of 400 prison officers, and further overcrowding in our prisons, address that pledge?

Mr Wallace: We still expect an improvement in the tackling of drug abuse in prisons. There has been no cutback in the rehabilitation budget.

The Convener: Members have no other questions. I thank the minister for coming today. I suspect that there may be further issues that the committee will want to explore; however, those do not involve the minister at this stage.

I remind committee members that we are going to have a brief discussion on how we are going to pursue the prisons issue. That will continue in public. After that, we will go into private session to discuss future business.

We need five minutes to take stock of where we stand on the prisons issue. Committee members will know that we started off on one tack, with the report of Her Majesty's chief inspector of prisons for Scotland. It was fortuitous that we were considering that when the cuts were announced. We have been able to extend our consideration of the issues into that area. A draft report was put together by the clerks on the first phase of our business. The committee will recall that we decided that it would not be sensible to publish that as a report of our work so far, without proceeding to discuss our views on the cuts and the predicted closures.

We must decide whether we want to proceed further on this. Clive Fairweather has stated that he is willing to return to speak to us specifically about the proposed closures if the committee feels that that would be helpful. Members may recall that he initially gave a response to the announcement of the closures that was relatively relaxed—I think that that is the best way to put it. He subsequently qualified that initial response. He is prepared to return to talk to us on the record about that.

Another organisation has indicated that it wants to speak to us about the matter. It is an organisation of prison visitors, with which some committee members may be familiar, which extends throughout Scotland. It has indicated that it would like to put some of its views to the committee as well. I am in the hands of the committee at this stage, although I think that it would be wrong not to invite Clive Fairweather back, as, in a sense, it was his report that triggered the entire consideration of the matter in the first place. We might give some thought to

whether the prison visitors should be asked to send some representatives as well, if we can fit that visit in.

Do committee members have views on our position on this matter or on the way in which we should proceed?

17:00

Gordon Jackson: If Clive Fairweather wants to come back to the committee, of course we should listen to him. We should probably listen to the prison visitors as well, as they go into prisons a lot and approach their work from an angle that is different to that of either management or staff. It would be useful to hear from them. I cannot help but think that we should try to wind up this piece of work. If we are going to produce a report, we should do so fairly soon after hearing that evidence. We have so much to do that we should try to close this subject.

The Convener: Members will recall that we took a decision in principle to move on to separate issues—women offenders and young offenders—after we had concluded our consideration of this particular area. That will be a longer-term issue and we need to find a way of finalising this part of it. In the normal course of events, and had it not been for the Executive's announcement, we would have finalised our work some time ago.

We will conclude our consideration of this area by publishing a report. The first part of the report has been drafted already and the second part will be drafted following our further consideration of the evidence that we have heard, which was stretched out over a fair few meetings. We will need to pull together our views.

While we will not produce that report immediately, there is some spare capacity during our first meeting after the recess on Tuesday, 11 January, which would allow us to have another look at this issue. We have one or two items scheduled for that meeting but, as we will not be dealing with stage 2 of either of the two Executive bills at that meeting, we can fit other items into the agenda. We will have to negotiate to see how many items we can shoehorn into that meeting, as we will be taking evidence on poindings and warrant sales. We need to consider what else we can reasonably manage in that meeting.

Christine Grahame: I completely agree with Gordon. I was approached by a representative of the prison visitors. Perhaps that is why that organisation wrote to the clerk. Gordon may be able to confirm that prison visitors can get into prisons any old time, which gives them access to what goes on.

Like Gordon, my view is beginning to crystallise;

whether we will all share the same view is another matter. However, there will come a point when we will have covered the evidence, both exhaustively and exhaustedly. That is the point at which we could formulate our report.

The Convener: Are members happy to invite Clive Fairweather and representatives of the Association of Visiting Committees for Scottish Penal Establishments, however we manage to do that? The organisation is decentralised, so it might be a little awkward to arrange witnesses.

Maureen Macmillan: Hearing evidence from the prison visitors will be as near as we will be able to get to interviewing prisoners themselves.

The Convener: Also, they have the advantage of being lay people and therefore they may have views that are closer to committee members' views.

Pauline McNeill: I am happy with that, but I would like us to take on board the point that Christine Grahame and Gordon Jackson raised. At some point pretty soon I would like us to consider where we will focus our attention in future. Having heard the evidence, I have my own view about that. I would like to discuss that at the next meeting, to see whether there is any consensus. We cannot go on for ever.

The Convener: Whether we will have time at the next meeting to have that discussion is a moot point, although we will try to do that shortly thereafter in order to pull together a report that is reasonably reflective of committee members' views on this issue. We will proceed on that basis.

We have agreed to take the next item on the agenda in private. I ask everyone who is not a committee member to leave.

17:03

Meeting continued in private until 17:40.

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