



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### JUSTICE COMMITTEE

Tuesday 30 October 2012



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**Tuesday 30 October 2012**

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**JUSTICE COMMITTEE**

**30<sup>th</sup> Meeting 2012, Session 4**

**CONVENER**

\*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

**DEPUTY CONVENER**

Jenny Marra (North East Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Roderick Campbell (North East Fife) (SNP)

\*John Finnie (Highlands and Islands) (Ind)

\*Colin Keir (Edinburgh Western) (SNP)

\*Alison McInnes (North East Scotland) (LD)

\*David McLetchie (Lothian) (Con)

\*Graeme Pearson (South Scotland) (Lab)

\*Sandra White (Glasgow Kelvin) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Brian Carroll (Public and Commercial Services Union)

Roseanna Cunningham (Minister for Community Safety and Legal Affairs)

Kate Donegan (HM Prison Cornton Vale)

Susan Gallagher (Victim Support Scotland)

Brian Ironside (Scottish Prison Service)

John Logue (Crown Office and Procurator Fiscal Service)

Colin McConnell (Scottish Prison Service)

Margaret McDougall (West Scotland) (Lab) (Committee Substitute)

Sean McKendrick (Association of Directors of Social Work)

Eric McQueen (Scottish Court Service)

Brigadier Hugh Monro (HM Chief Inspector of Prisons for Scotland)

Stuart Naismith (Law Society of Scotland)

Jim O'Neill (Scottish Prison Service)

Anne Pinkman (Scottish Working Group on Women's Offending)

**CLERK TO THE COMMITTEE**

Irene Fleming

**LOCATION**

Committee Room 6



## Scottish Parliament

### Justice Committee

*Tuesday 30 October 2012*

[The Convener *opened the meeting at 10:05*]

### Decision on Taking Business in Private

**The Convener (Christine Grahame):** Good morning and welcome to the 30th meeting of the Justice Committee in 2012. I ask everyone to switch off their mobile phones and other electronic devices completely as they interfere with the broadcasting system even when switched to silent. I have received apologies from Jenny Marra and welcome to the meeting her committee substitute Margaret McDougall.

The first item on the agenda is a decision to take business in private. Do members agree to take item 4 in private?

**Members** *indicated agreement.*

## Prisons (Interference with Wireless Telegraphy) Bill

10:05

**The Convener:** The next item of business is consideration of a legislative consent memorandum on United Kingdom legislation. For this evidence session on the Prisons (Interference with Wireless Telegraphy) Bill, we have received a response from the Cabinet Secretary for Justice to our initial observations on the LCM and a number of written submissions that we requested at an earlier meeting. All are included in an annex to paper J/S4/12/30/1.

I welcome to the meeting Roseanna Cunningham, Minister for Community Safety and Legal Affairs; and Brian Ironside, assistant director of national operations, and Jim O'Neill, senior legal policy officer, both of whom are from the Scottish Prison Service. I invite the minister to make an opening statement.

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Thank you for this opportunity to discuss the LCM to the Prisons (Interference with Wireless Telegraphy) Bill, which was introduced in the House of Commons on 20 June 2012 and provides powers to tackle the illicit use of electronic communications devices, including mobile phones, in prisons. The bill's powers will help to deal with the challenging problem of illicit mobile phone use and support our commitment to tackling serious and organised crime.

The bill contains only five clauses, all of which will apply to Scotland. The three substantive clauses provide for the authorisation of interference with wireless telegraphy for the purpose of preventing, detecting or investigating the use of electronic communications devices, including mobile phones, within prisons and similar institutions; safeguards that apply to the granting of authorisations; and the retention and disclosure of information obtained in accordance with an authorisation.

Clause 1 confers functions on the Scottish ministers to authorise governors and directors of relevant institutions to interfere with wireless telegraphy.

Clause 2 provides that the Scottish ministers must be satisfied that the equipment that will be used as a result of the authorisation is fit for purpose before granting the authorisation and that, where an authorisation is granted, the Scottish ministers must inform the Office of Communications. It also provides that the Scottish ministers must give certain directions to the

governor or director of a prison or young offenders institution who is authorised to interfere with wireless telegraphy. The bill sets out what matters such directions are to cover, which include the requirements to provide information to Ofcom; the circumstances in which the use of the equipment under the authorisation must be modified or discontinued; and, in particular, the aim of ensuring that the authorised interference will not result in disproportionate interference outside the relevant institution.

Clause 3 provides for the retention and disclosure of information obtained in accordance with an authorisation. This information is termed traffic data and includes data that is comprised in, attached to or logically associated with an electronic communication. Such data can lead to the identification of the person using the phone, the phone type, the location to or from which the call has been made, and the time and duration of the call, but it does not include the content of the communication. The clause also provides important safeguards in relation to the retention and disclosure of information obtained, such as the requirement that such information be destroyed no later than three months after it was obtained unless the governor or director of the prison or young offenders institution has authorised its retention.

Although wireless telegraphy is a reserved matter under paragraph C10 of schedule 5 to the Scotland Act 1998, the management of prisons is devolved. As the bill confers functions on the Scottish ministers, it is a relevant bill as defined in rule 9B.1 of standing orders.

Other legislative mechanisms for the Scottish Parliament to achieve the provisions in this UK bill have been considered, namely a Scottish bill with a corresponding order made under section 104 of the 1998 act. Although that route would be possible, it would be more complex, take more time, and involve substantially more resource. As the UK bill has already been introduced, the legislative consent motion route offers a more resource-efficient and timely legislative vehicle by which to confer the required powers. We are committed to minimising the number of phones that enter prisons, and to finding phones that have got in. The powers in the bill will allow us to disrupt those phones that we have yet to find and prevent prisoners from engaging in further criminal activities from prison. That will help the police and prison authorities to maintain the security of our prisons and communities.

We recognise that the legislation is only the first step. Technology evolves constantly and we will have to evolve to keep up with it. I ask the committee to support the legislative consent

motion that has been laid before it, and my officials and I are happy to answer questions.

**The Convener:** Thank you. Do members have any questions?

**David McLetchie (Lothian) (Con):** Thank you for your opening statement, minister. Can you explain precisely what is new about the bill?

**Roseanna Cunningham:** The bill is going through the House of Commons. Pilot schemes are taking place south of the border only, but concerns have been raised about the fact that there is no legislative power to conduct the proposed interference. As I understand it, no challenges have been made to any of the pilots south of the border, but clearly the Westminster Government and officials feel that it is sensible to ensure that the proper legislative consent is in place to allow the activity to take place. We are talking about technological interference with signals, and the legal ability to do so within prisons is what is new.

**John Finnie (Highlands and Islands) (Ind):** Minister, you mentioned pilot schemes. Our committee papers make lots of references to trials and I appreciate that this technology is developing very quickly. I should say at the outset that I fully support the legislation and the need for it, but I am concerned about proportionality. The only prison in the area that I represent is in the middle of an urban area, and we have heard from Ofcom about the potential impact on other radio services. Is anyone able to say whether services such as telehealth and telecare will be interfered with if the legislation is put in place?

**Roseanna Cunningham:** That is all part of getting the authorisation to do what we seek to do. We have to be proportionate and, while I would not want to prejudge any particular decision that might be made, if serious interference was likely it would need to be taken into account before authorisation was given.

Jim O'Neill might want to add a comment.

**Jim O'Neill (Scottish Prison Service):** The minister is right: the bill provides that it will be lawful to use the power only within a prison, and a key part of exercising the power will be to ensure that the equipment is rigorously tested to ensure that there is no interference in areas outwith the prisons.

**John Finnie:** On proportionality, the Information Commissioner's Office submission says that

"the ICO strongly recommends a full privacy impact assessment to be undertaken prior to the implementation by the Prison Service, focusing particularly on human rights legislation and the risks to the privacy of non-prisoners."

Can an assurance be given that that assessment will be undertaken?

**Roseanna Cunningham:** Some of what you are talking about will relate to the fact that the bill is a Westminster bill, not a Scottish bill. We will watch carefully for anything that the Westminster Government undertakes, although I cannot answer for what Westminster officials might choose to do.

We will want to be sure that any decision takes proportionality into account. It is the primary purpose of the legislation to blanket the prison, and I understand the point that is being made about the proximity of some prisons to built-up areas and the necessity of ensuring that any technology that is put in place does not blanket an area wider than the prison. We understand that, with the currently available technology, it is possible to minimise the effect. Because the technology evolves so quickly, what is not possible now might be possible in six months or a year, so trials with the current technology could be out of date in six months or a year. The bill is simply about giving us the power to take such measures; it is not about mandating them to happen in every circumstance.

10:15

**John Finnie:** It would be important to have public support for such measures, which might require a consultation process. There has not been a consultation process to date. Would there be consultation with communities that are adjacent to urban prisons, where such measures could be a challenge?

**Roseanna Cunningham:** I do not think that there is an intention at present to consult formally. I do not know whether there was prior formal consultation on the Westminster bill, but any intention to carry out interference would have to involve local consultation, which is more likely to be useful.

**Graeme Pearson (South Scotland) (Lab):** I have a couple of questions. Where conversations and telephone communications are intercepted, there is a commissioner who monitors the process and reports annually on whether all is well or otherwise, as they see fit. There is mention of connecting with Ofcom. Is it the intention that there would be a system of oversight and some form of independent review to ensure that the powers are being properly used and reported on?

**Brian Ironside (Scottish Prison Service):** There would be a concern if we actually intercepted conversation, but that is not the Scottish Prison Service's intention. We are not seeking legal intercept; we merely seek the power to block phones from connecting to the network in the first instance, so the issue that Mr Pearson raises is not a consideration.

**Graeme Pearson:** Might there not be value in having some kind of oversight to ensure that there is consistency of approach and that proportionality is adhered to?

**Jim O'Neill:** The key will be our working relationship and memorandum of understanding with Ofcom, which has responsibility for regulation of the electromagnetic spectrum. We will enter into an agreed memorandum of understanding with Ofcom and the Mobile Broadband Group network operators. That will provide oversight, communication and sharing of information to ensure that any interference is proportionate.

**Roseanna Cunningham:** Ofcom is the appropriate regulatory body—there is no doubt about that. However, that does not prevent Her Majesty's chief inspector of prisons, for example, from looking at the issue and reporting on it in his inspections. In the first instance, we would probably tend to rely on that activity.

As I said, interference will not necessarily happen in every single prison and young offenders institution. At this stage, I do not know what the likely take-up will be—that will obviously be a matter for individual governors and institutions. The chief inspector of prisons can provide for ministers an independent and impartial review of prisons, and such interference would be one of the things that he or she would consider.

**Graeme Pearson:** I am grateful for that comment, because it is not made in the legislative consent memorandum. There is a need for someone who is outwith the professional bodies to have oversight of how the measure operates.

I turn to my second point. The memorandum states that there are “no financial obligations” on the public purse but, in the background papers, we are told that the system is

“more expensive to purchase and operate”.

Given the current challenge to budgets in the service, can we be assured that the lack of finance will not prevent the appropriate use of the mechanisms and systems? Is the Scottish Prison Service worried about whether it can afford to use such systems, even if it has the power to do so?

**Roseanna Cunningham:** Brian Ironside might be best placed to answer that, but we indicate that it would be for the Scottish Prison Service and for particular institutions to make a decision about what they consider to be the benefits or otherwise of such systems, which they would do in the context of their existing budgets. Mr Ironside might have something to add.

**Brian Ironside:** I have little to add to what the minister said. It is a chicken-and-egg scenario: without the powers, we simply cannot investigate

the benefits that the service could glean from the introduction of such technology.

**Graeme Pearson:** Are the additional expenses that are hinted at in the papers substantial, or are they manageable?

**Brian Ironside:** They are manageable at this level.

**Graeme Pearson:** How will the data be held and how will access to the data be logged?

**Jim O'Neill:** I do not think that we can provide a clear answer on that, because it depends on the technology that is deployed. In general, two types of technology can be deployed: simple blocking technology that does not gather any data, and technology that is covered by the colloquial term "grabbers", which intercept the signal. How the data will be held will depend on the technology that is deployed. As we in Scotland are in the early stages of the process, we do not have a firm idea of what the technology will be able to do as far as data retention is concerned.

**Roseanna Cunningham:** It might be one of those areas that changes quite quickly as technology changes. We all know the speed with which that happens, so it will probably need to be an area of constant review. As we move forward, it is likely that there will be improvements in the technology, which will make it possible to glean more information. At this point, it would be a bit dangerous to specify what will be ingathered and how it will be held, because that information could be out of date in six months' time—and it would almost certainly be out of date in a year or two. Therefore, things have to remain relatively open at this stage.

**Graeme Pearson:** What I was looking for was a commitment that the data would be held securely and that it would be properly monitored. Often, such matters are not considered ahead of time and it is only with hindsight that lessons are learned. It is important that we make up systems prior to implementation.

My final question is on the success of the prison watch scheme. Why is it deemed to have been successful? What did it achieve?

**Roseanna Cunningham:** At the moment, it is based at HMP Edinburgh. The scheme, which was launched in February 2011, is basically a crime prevention initiative that is similar to neighbourhood watch, but the neighbourhoods involved happen to be the neighbourhoods around prisons. It allows members of the public to report any suspicious or criminal activity, and enables prompt action to be taken. It works alongside various other strategies—it is a partnership scheme.

The results of the pilot at Edinburgh prison have been encouraging. Following its implementation, along with other measures, there has been a reduction in, for example, the number of mobile phones—which we have just been discussing—or component parts of mobile phones found at HMP Edinburgh. The technology that we are talking about in the LCM allows us to tackle those mobile phones that have yet to be found.

The scheme's success is such that, as well as operating in HMP Edinburgh, it is now running at Greenock, Polmont, Peterhead and Aberdeen prisons. It is intended that it will be rolled out to all prisons by spring 2013, as the early success that has been measured suggests that it is worth doing around all our prisons. It simply involves mobilising the ability of ordinary people in communities around prisons to report any suspicious activity in and around those prisons. If the roll-out is successful, it will provide more useful information that we hope will give us better control over what happens in prisons.

**Graeme Pearson:** Thank you.

**The Convener:** Mr O'Neill talked about "grabbers", which is an interesting word. I saw that the minister was quite taken with it. Can that technology track a mobile phone to its individual source?

**Jim O'Neill:** It does not identify the individual. What it identifies is data or information that is attached to the phone, such as the SIM card reference number, for want of a better description, and the date and time of calls. That is the kind of data that can be captured.

**The Convener:** So it might be able to trace whoever is using or trying to use—

**Jim O'Neill:** Not immediately, but eventually. It would be the starting point for further investigation.

**The Convener:** Thank you.

**Sandra White (Glasgow Kelvin) (SNP):** Good morning, minister. My understanding is that it was a private member's bill at Westminster that kick-started this. Our paper states that, because there is already legislation on the matter, it was deemed that no public consultation was necessary. Is that correct?

**Jim O'Neill:** Colleagues south of the border did not consider public consultation to be necessary, simply because it is already an offence to have a mobile phone in a prison. They saw the bill as an extension of tackling illicit mobile phone use in prisons.

**Sandra White:** Another issue that I want to raise is the cost to the Prison Service. I know that others have raised that, too. Our paper states that the cost of the equipment can be up to £1 million



at the top of the range, but that it does not need to be that much. If the cost were £1 million, would it be affordable for all prisons, or for certain prisons?

**Roseanna Cunningham:** Each institution will have to make its own decision about whether it considers use of the equipment appropriate. I would be astonished if every single institution immediately wanted to go straight to the top of the range. I would be surprised about that, as I suspect most people in the Prison Service would be surprised. There will perhaps be prisons at which that is considered the most appropriate thing to do and others that will not consider that they need anything like that.

It is difficult to answer the question because demand will be driven by the institutions. They will have to take into account all the relevant factors, including cost, when they reach their decisions.

**Sandra White:** I have a question about safeguards for members of the public. The use of this technology is actually a moveable feast; this is just the start, and it could move on. I have concerns about interference outwith prisons. Barlinnie in Glasgow is practically set in the middle of a housing scheme. I am concerned about the collection of data, which will be saved for three months. You said that the equipment will only collect data from SIM cards. If data is collected that identifies a member of the public, will they be able to get that data? Will they know that you have it? What will happen after the three months?

**Jim O'Neill:** The key is to try to prevent that from happening. It is important that any grabber technology is rigorously tested to ensure that we contain leakage. However, some factors are outwith our control. For example, if a mobile network operator erects a mast nearby, it might push the interference outwith the boundary.

Colleagues down south, in their trials or pilots to date, have tested the interference on a yearly basis to ensure that any leakage is contained within the prison boundary or as near to it as possible. In turn, Ofcom, as the regulator, and the mobile network operators have been monitoring the situation down south, and it is encouraging that they have had no complaints from members of the public about any impact outside the prison walls.

**Sandra White:** Thank you, convener. I was going to ask as a follow-up whether there have been any complaints.

**The Convener:** It is a fair point—it is a “what if” question.

**Jim O'Neill:** Absolutely.

**The Convener:** I do not know whether you have fully answered it. What if somebody finds that their phone has been blocked?

**Jim O'Neill:** We cannot say that that will never happen, because there are factors that are in some respects outwith our control. The key for us is that the bill provides that the power may be exercised only within the prison. Might somebody's data be captured as they walk past a prison—say, an open prison in the middle of a rural area that they happen to be walking through? That might well happen. The key then will be to sift out that data, get rid of it and destroy it, because it is not necessary.

**The Convener:** We may want to follow that up in our consideration.

I am aware that the minister has a commitment elsewhere, so we have time for a brief last question.

**Roderick Campbell (North East Fife) (SNP):** Who, if anyone, will be charged with keeping a register of authorisations?

10:30

**Jim O'Neill:** The authorisation will come from the Scottish Prison Service headquarters.

**Roseanna Cunningham:** It will come through the SPS and the cabinet secretary.

**Brian Ironside:** The arrangement will be very similar to that which is in place under the Regulation of Investigatory Powers (Scotland) Act 2000. We will authorise our own activity. The Scottish Prison Service will keep the central register, which will be available for scrutiny by the office of the surveillance commissioners, as is currently the case.

**The Convener:** I thank the minister and her officials for attending. She may wish to move to her next committee.

**Roseanna Cunningham:** The Public Petitions Committee will be grateful for that.

**The Convener:** I am sure that you are delighted to go.

The committee is required to report to the Parliament on the legislative consent memorandum. We have raised some important issues—such as the catchment of calls that may not be considered and what is done with data—which we will consider. Given the tight timescale, I will ask the clerks to circulate a draft report this afternoon, if members are happy to sign that off. Is that fine with everyone?

**Members indicated agreement.**

**The Convener:** Thank you very much.

## Draft Budget Scrutiny 2013-14

10:32

**The Convener:** Item 3 is budget scrutiny. I will pause for a few minutes. Committee members should not leave their seats, because they are not getting a break. I will let the next panel of witnesses take their positions.

The first panel of witnesses will focus on the courts budget. The second will consider the financing of the findings of the commission on women offenders. I refer members to the papers that they have.

The witnesses are all sitting comfortably, as someone once said, so I will begin.

I welcome John Logue, procurator fiscal, east of Scotland, Crown Office and Procurator Fiscal Service; Stuart Naismith, convener of the access to justice committee of the Law Society of Scotland; Brian Carroll, the Scottish Court Service branch secretary of the Public and Commercial Services Union; Eric McQueen, the chief executive of the Scottish Court Service; and Susan Gallagher, deputy chief executive, business delivery at Victim Support Scotland.

I thank the witnesses for their written submissions, which were helpful. We will go straight to members' questions. A question may be directed at a specific witness but, if a witness at whom it is not directed wishes to answer, they should just indicate and I will call them.

**Roderick Campbell:** I ask Mr McQueen to comment on the impact of the proposed court restructuring on the draft budget for 2013-14.

**Eric McQueen (Scottish Court Service):** Sorry, is your question about the impact of the court structure?

**Roderick Campbell:** Court restructuring is still in the consultation phase, so its impact is still in the future. I just wanted some comment from you on how it would impact on the budget that we are considering.

**Eric McQueen:** It is helpful to give some context. We face significant budget reductions—20 per cent over the four years of the spending review—and many of our costs are fixed. About 80 per cent of our expenditure goes on staff and buildings, and the remaining 20 per cent is demand-driven costs, so we do not have much flexibility in our budget or have many discretionary areas in which we can try to limit our expenditure.

Over the past two years, we have had what we call a coping strategy for reducing our fixed-cost expenditure for the organisation. We have made some significant progress on that. We have

reduced our staff numbers over the past number of years, which has generated savings of about £3.7 million.

We have reduced the reliance on part-time sheriffs and we have cut the number of sitting days in the court system. By the end of next year, that will have released another £1.5 million.

We have consolidated the number of justice of the peace courts and moved some of them into sheriff courts, which has saved about £500,000. We have looked extensively at our supplies and services—our procurement and our corporate organisation. That has reduced our spend base by about £2 million.

That combination of factors has got us into a position where we can see ourselves through the financial reductions in the coming year, 2013-14. However, that raises the question of how far we can go in cutting parts of the organisation. There is a limit beyond which the impact on service delivery is significant. If we continued in that vein, we would have to reduce staff numbers by a further 50 or 100 and we would have to reduce part-time sheriff sitting days by another 1,000 or 1,500.

In about 12 or 18 months' time, the organisation would have a disparity between the workload and the staff, and the reduction in court sitting days would be having an impact through delays in criminal cases, which would be four to eight weeks. If we carried on cutting our budget, we would end up in quite a difficult position that was hard to maintain.

We are looking at the second part of our strategy, which is about transforming the organisation. We are asking how we should change our structures and the services that we deliver. The court structures are an important element of reducing our on-going cost base and of thinking about how to facilitate and accommodate the justice reforms that will come our way.

In the future, the justice system will look very different. The significant reforms that are coming through from the major judicial reviews will impact on court delivery in the next number of years. We will have a model that involves much greater judicial specialisation and more centralisation of some services. That will move us away from the generalist model, in which sheriff courts provide pretty much the same service across the country, towards a model that is much more based on specialisms.

That is why we see a model in the future that will involve fewer main centres, which will deal with more serious business, and a wider network of smaller courts, which will provide a service more locally. Court structures are an important part of the platform for reducing our cost base, but we are also looking at how they will help us to

facilitate the justice reforms that are coming our way.

**Roderick Campbell:** If the proposals in the court restructuring document are implemented, what will the savings be over the next two years?

**Eric McQueen:** Once the proposals are fully implemented, the savings on running costs will be £2 million per year. We will avoid essential maintenance of buildings of about £4 million. We hope to generate capital receipts by selling some buildings, which we can reinvest.

**Roderick Campbell:** You do not plan to implement the proposals over the next two years. The Court Service's document refers to additional expenditure of £620,000 in 2013-14 and total net savings of £980,000 in 2014-15.

**Eric McQueen:** The figures are part of the cost to implement the full set of proposals. We expect implementation costs of about £800,000 and potential capital costs of about £1.4 million, if we decide to invest in additional capacity in some of our larger court areas. We have tried to draw out a realistic view of what we genuinely think can be delivered in savings and to give a fulsome estimate of what might be required to upgrade the estate and allow changes to take place.

**Roderick Campbell:** But the savings of £2 million will not occur in the next two years.

**Eric McQueen:** No—the savings would come through progressively as the proposals were implemented. That would depend on how the programme shaped up. That is why we do not depend on such savings in the financial year 2013-14. They would start to emerge as the years moved on from there.

**Roderick Campbell:** May I ask a further question, convener?

**The Convener:** Is it still on savings?

**Roderick Campbell:** It is on capital funding. The Court Service's submission says:

"£2m is required for essential maintenance and upgrading of court and SCS ICT systems, leaving little for on-going maintenance of the remaining SCS estate."

How little is "little"?

**Eric McQueen:** "Little" is not a lot; it is basically getting by. By the end of the spending review, our capital budget will be £4 million. As I said, predominantly £2 million will be for investment in IT and £2 million will be available for buildings. Our programme on the capital side for those areas will see us complying with our legal and health and safety obligations and carrying out essential repairs. It will not allow any additional funding for investment, improving facilities or any major disasters in the court estate. If a roof collapsed in

Edinburgh sheriff court, it would cost us £10 million, but we would not have funding for that. The Lord President has been quite clear that we would need to go back to the Scottish Government in the event of an emergency like that. It would be a very tight budget that would be about compliance.

**The Convener:** You talk about savings to your budget. Do you accept that savings to your budget might imply costs to another budget?

I will give an example that is pretty parochial but valid. In Peebles sheriff court in my constituency, the police station and the court are in the one building. If that were to close, police would have to travel to Edinburgh, sit there all day and come back, or sometimes they would come back if there was an adjournment to a trial. As it is just now, there is efficiency in the Peebles sheriff court building. The point may pertain in other areas, but I am not sure. I understand that you have your budget, but there might be implications from what you propose for the police budget or some other budget. Do you accept that that might be robbing Peter to pay Paul?

**Eric McQueen:** I think that that is a right and valid question, and we have tried to address some of it in the consultation document. As we developed the proposals, from the very start we have heavily involved our justice partners in the discussions. The police, the Crown Office and the Scottish Legal Aid Board have made their assessment of the overall impact and any unintended consequence for their organisations. The view that came back from those organisations is that they expect the impact across the board either to be cost neutral or to generate some small savings.

We must look at how things will change in the future. In Peebles, the police station is together with the court. In the future, with the standby scheme that has been agreed with the police, police officers will be based somewhere between 30 minutes and an hour from the court in which they are due to give evidence and they will not be required to travel to that court unless that case is certain to go ahead. At the moment, about 90 per cent of police officers spend time sitting in court for cases that are not called.

The reforms are not just about structural reform but about looking at how we manage business better in the future and how we manage the issue of police witnesses. It is not just a simple answer about court structures.

**The Convener:** I hear that. I will not pursue the issue at this moment, because I want other members to come in and I do not want to stick to my constituency, as that would be unfair to committee members. However, across the piece I

am a wee bit concerned that you seem to be saying that it will be cost neutral for the Legal Aid Board, the police and so on.

**Eric McQueen:** That was the response in the consultation report from those organisations.

**The Convener:** I think that we will pursue that.

I will let Brian Carroll and Stuart Naismith come in after Margaret McDougall asks a supplementary.

**Margaret McDougall (West Scotland) (Lab):** You have given consideration to reducing the number of buildings that you have in the court estate. Have you given any consideration to energy efficiency and carbon emissions in the buildings that you will continue to use?

**Eric McQueen:** We certainly have. We have an active carbon management plan in the organisation. Despite the fact that we largely operate out of Victorian buildings, which are not normally the type of buildings where you would succeed on carbon management, we are very much seen as being an exemplar across the country.

There is no doubt that some of the proposals may increase travel distances, so there might be unintended consequences for carbon management. Again, we have tried to cover that in the consultation document. We do not believe that it will have a major impact on our ability to meet future targets.

**The Convener:** I have questions from John Finnie and Sandra White.

**John Finnie:** My question is for Mr Carroll about staffing.

**The Convener:** I beg your pardon—I am so sorry. I forgot that I was going to let everybody else in. Have I not let anybody else in? Who else was to come in? I think that I am correct in saying that it was Brian Carroll followed by Stuart Naismith.

**Brian Carroll (Public and Commercial Services Union):** The PCS union would like to comment on the fact that, by 2014, the revenue budget for the Scottish Court Service will have been cut from the 2010 level of £73.6 million to £65.4 million, which is an 11 per cent cut. In 2010, the capital expenditure budget was £20.3 million and it will reduce to £4 million by 2014, which is an 80 per cent cut. We fear that justice is being cut and made to fit into the budget rather than there being an examination of the delivery of justice and a consideration of how justice should be delivered in future in order to ensure that the best quality of service can be given to the citizens of modern Scotland.

10:45

As Mr McQueen has said, efficiencies have been made. One of them resulted in 120 members of staff leaving the Scottish Court Service through the voluntary redundancy scheme. If, as Mr McQueen says, the proposals for future court structures do not go through, there is a danger that more staff will be cut. Mr McQueen has also said that we are currently at a level of staffing that allows us to deliver justice to Scotland in the way that we should be able to deliver it, which means that any future cuts will put that at risk.

**The Convener:** I take it that it is buildings, not bodies, that you are talking about.

**Brian Carroll:** At the moment, it is buildings, not bodies. However, I repeat that, as Mr McQueen has said, we currently have staffing levels that allow us to deliver what we are expected to deliver for the citizens of Scotland. If those staffing levels were cut any further, we would not be able to deliver that.

**The Convener:** That brings us to Stuart Naismith and access to justice.

**Stuart Naismith (Law Society of Scotland):** I would like to echo some of what Brian Carroll has just said. The Law Society of Scotland and solicitors who practise in courts acknowledge the requirement for budgets to be balanced and for difficult economic decisions to be made but, as Brian Carroll has hinted at, the administration of justice and the rule of law are at the core of our society, and court closures mean very different things to different people.

To set the issue in context, we see almost no connection in the use of courts between the use of the courts for criminal justice, the use of the courts for civil justice and the use of the courts for family law. The common denominator is the judge. The procedures, the locus, the security requirements, the infrastructure—they are completely separate, actually.

The Scottish Court Service's consultative document, with its overview of reforms and the issues that are raised, is a good piece of work that highlights the issues.

Today's discussion is focused on budgets. We wonder how much is being saved and what the unintended consequences might be. I understand that Eric McQueen cannot speak for other organisations, but it is inconceivable to practitioners that closing courts would be cost neutral for other organisations. There will obviously be impacts on witness expenses in connection with people having greater distances to travel to courts. That must, inevitably, impact on the payers of witness fees—the Crown Office, in relation to criminal proceedings, and the Scottish

Legal Aid Board, in relation to a significant proportion of civil proceedings. We wonder whether some of the cost savings that are identified in this document are, effectively, de minimis, overall. The risks of unintended consequences—which we believe are real—should certainly be considered.

**John Finnie:** The written submission from the Scottish Court Service says that skilled, engaged and motivated staff in our courts are important to the successful delivery of the service. It also says, as Mr Carroll has alluded to, that

“Staff headcount was reduced by 120 ... mainly through a voluntary redundancy scheme”.

I have two questions relating to that. How did those staff leave the service other than through voluntary redundancy? We are also told that there are

“further smaller staff reductions planned for 2013-14”.

The PCS submission refers to something called “SCS dialogue events”, which I understand PCS found to be not very successful. Could you tell us something about those and the relationship there? What has the staff’s reaction been?

**Brian Carroll:** As I understand it from the figures, the staffing situation is that 120 staff left the Scottish Court Service through the voluntary redundancy scheme, although there may have been some early retirements in that as well. There is talk of further reductions of somewhere between 30 and 40 staff by 2014-15 through natural wastage. That would mean that, when people leave, their posts would not be replaced. The Scottish Court Service has given an assurance to staff that, as far as it is concerned, there will be no further voluntary redundancy scheme and there will certainly not be any compulsory redundancies. We have the no compulsory redundancy guarantee sitting there.

I attended three of the SCS dialogue events along with my colleague who is the branch chair. The branch covered all six dialogue events, all the way from Aberdeen to Dumfries. We found that the Court Service said that it would listen to what was being said by all invited parties at the dialogue events and that it would take cognisance of their comments before the consultation document came out. We felt that two issues were basically ignored in the dialogue events. Because of that, we remain unconvinced by some of the arguments put forward in the consultation paper and we fear that the primary motivation is to cut costs.

There is no doubt that the Scottish Court Service does a lot to ensure that it has skilled, engaged and motivated staff. It works with the trade union side on various ideas to implement projects and plans and we help the service with

that. However, this issue is having a big impact on the motivation and morale of staff.

The organisation still has significant issues to be addressed from the unification process that took place when the Scottish Court Service took over the management of the district courts, which became JP courts under the auspices of Scottish Court Service management. In the TUS, we are still dealing with issues that cropped up during that process and we are already hearing from staff members throughout the service that similar issues are cropping up now. For example, a member of staff from a court proposed for closure who is working in another court says that people are already saying, “Where are we going to put you? Where are we going to put the business?” That is a big worry.

**The Convener:** Do you accept, however, the 20 per cent cut in the courts budget over the four years? Do you accept that, to paraphrase Mr McQueen, we are where we are?

**Brian Carroll:** Yes, we are where we are, but the PCS position—

**The Convener:** I absolutely understand that you are taking a position for your staff, but I just want to clarify that we are talking about how we do this in the fairest way and without impacting too much on the delivery of justice. At the end of the day, the key thing is that the courts can operate properly.

**Brian Carroll:** Of course.

**Eric McQueen:** I just want to make a couple of points. First, let me just say that we have an excellent relationship with the trade union side in the Scottish Court Service—

**The Convener:** I could see that from your body language.

**Eric McQueen:** We have a very strong partnership.

**The Convener:** I had to make you move your chairs apart so that it was not so obvious.

**Eric McQueen:** We are very grateful for its input.

I should clarify that we lost 120 staff from the organisation, as Brian Carroll said. Ninety-six of those staff were lost through voluntary early severance and the remaining 24 were lost through unfilled vacancies and natural losses that we had at the time. We have lost another 12 to 14 staff this year, and plan to do the same again next year. That confirms the figures that Brian mentioned earlier.

We have worked very hard with our staff on staff motivation and we have done that very much in partnership with the trade union side. At a staff event last week, we had about 100 managers from

all grades and from across the organisation. The three things that they said most clearly were that they were clear on the future direction of the Scottish Court Service, that we had handled staff reductions very well and that we had handled the court structure consultation very well, in terms of the dialogue and discussion on it and our openness and transparency. We have focused very much on the staff side and tried to bring staff with us through what is quite a difficult process.

I will comment briefly on the six dialogue events that we held throughout Scotland. We invited a range of stakeholder organisations that are involved in the justice system, including a lot of local faculty members and third sector groups, to discuss the ideas and proposals in a very open way. That led to a significant number of changes to our earlier proposals. We changed our position on the High Court, where the proposals were largely uncontroversial. We had thought about having a more reduced High Court circuit, but in fact we have said that main business should now be done in three centres—that was based on feedback from the dialogue events.

We have added Dumfries and Perth to our future plans for jury centres, if we go down that route. Again, that was due to feedback on some of the rural areas from the dialogue events. We have also kept Tain, Selkirk and Lanark as sheriff courts based on feedback from the events. We have listened to people as we developed the processes and we will stay open to views as we go through the consultation period.

**The Convener:** Now, Mr Carroll, you are not going to fall out with Mr McQueen, are you?

**Brian Carroll:** Of course not. I will echo what Mr McQueen said at the start of his answer on partnership working within the Scottish Court Service.

**The Convener:** Oh!

**Brian Carroll:** I would like to come back to the question on the dialogue events, as I lost my train of thought when I was giving my answer. During the dialogue events, points were made by all in attendance that the events had concentrated on criminal court work. At each of the events, the point was strenuously made that civil business should also be taken into account, as the issue affects civil business as much as it does criminal business.

That is not just due to the numbers involved in civil and criminal business. The complexity of the work that is being dealt with by the staff, judiciary and management of the Scottish Court Service is increasing daily as the new legislation comes through. That must be taken into account because the complexity of the work increases the amount of time that the court needs to deal with it.

There was criticism of the budgets at the dialogue events—although “criticism” is a bit strong. Certainly, the point was made that not enough information was given at the events about the budget proposal and what savings would necessarily be made. We fear that it could just defer costs into the future. If money is not spent on maintenance, the fabric of buildings deteriorates and what needs to be spent increases, until, for example, windows do not just need painted but need replaced. That can even apply to greater parts of the buildings. Deferred costs should be balanced against savings and that should be a significant factor in deciding whether budget cuts will impact on the delivery of justice.

**Sandra White:** Good morning, everyone. I am interested in how other court users, such as witnesses and victims, will be affected. We are looking at structural reform and obviously some of that is about reducing the estate and planning for specialist centres.

In its submission, Victim Support Scotland has bulletpointed at least 12 things that it is not so much concerned about as that it would like to happen. How might the closure of smaller courts in different areas impact on other court users? Indeed, is there a positive aspect to such a move? For example, Victim Support Scotland mentions safety and refers to the provision of

“separate exits, entrances & facilities”.

Can the panellists give me their opinion on that?

11:00

**Susan Gallagher (Victim Support Scotland):** Victim Support Scotland feels that the issue falls into two camps. We need to ask, first, whether the court closures and the potential cuts improve the Scottish justice system and increase public confidence in it. At the moment, we are not sure whether justice can be visible if it is removed from some local communities.

Secondly, what will happen to the quality of evidence? If we close the court on, say, Rothesay, victims and witnesses will have to travel a considerable distance on ferries and buses—which, of course, might not run—to get to Greenock, and many of those people will already be stressed before they even enter the court arena.

The other related issue is support for people and their protection. We know that people going into the court arena sometimes feel extremely intimidated before they even get into the building, and the chances of their being intimidated in their local communities—for example, when they have to share a bus or ferry with the accused and their family—increase significantly. That raises real

issues not only about cost and the distance that people will have to travel but about people's confidence in their ability to give the best evidence. We need to examine that matter, as it might well cause people significant distress.

**Brian Carroll:** We certainly echo those comments. Budget cuts impact on the most vulnerable and the poorest in our society and if they are made to travel further their costs will increase, which will have a big impact on the delivery of justice in Scotland and pose a big risk to the people of Scotland's confidence in the delivery, impartiality and transparency of justice.

Some of the proposals are based on diverting business away from the courts through the use of direct measures and fiscal fines. The evidence is only anecdotal at this stage—although I believe it to be the position—but we have a situation in which a once independent organisation, the Procurator Fiscal Service, which had no other function than to be the prosecutor in Scotland, is not only prosecuting but actually deciding whether someone should come to court and might also be imposing what are known as fiscal fines. The dependence on diverting business away from the courts is calling into question the impartiality and independence of the justice system; decisions on whether people are guilty or not guilty and whether to impose fines, custodial sentences or community payback orders should be made in the courts by the independent judiciary. In short, the proposals will impact greatly on the poor and most vulnerable in society who are compelled to use the courts and who may now have to use them differently.

**The Convener:** Strangely enough, I expected Mr Logue to come in after those remarks. Needless to say, his finger was immediately up in the air.

**Brian Carroll:** I expected as much myself.

**The Convener:** Mr Logue, please come in to bat for the prosecution service with regard to your perceived lack of independence.

**John Logue (Crown Office and Procurator Fiscal Service):** I would hate to disappoint anyone's expectations.

**The Convener:** We will see.

**John Logue:** I will do my best not to.

I want to pick up on the point about independence, because that is the first time that I have heard the suggestion that there is a link between the proposals for court restructuring and the way in which the Procurator Fiscal Service operates what I maintain is its independent decision making in relation to the appropriate outcome for each case.

Mr Carroll referred to direct measures. There is nothing new in the principle of direct measures. Procurators fiscal have been issuing direct measures—certainly in the form of fiscal fines—since the mid-1980s, so there is no connection between the issue of fiscal fines and the question of court restructuring.

We have been involved, as an organisation, with the Scottish Court Service and others in considering the consequences of court restructuring. It is not for the Procurator Fiscal Service to form a view about where there should be courts in the country; it is our responsibility to provide a service at those courts, wherever they are. However, I can say confidently to the committee that on no occasion during that work with the Scottish Court Service has the use of prosecutorial discretion been discussed in relation to court restructuring. It simply is not an issue in relation to the eventual outcome of the discussion of where courts will provide a service to the Scottish public.

**The Convener:** Over to you, Mr Carroll.

**Brian Carroll:** The PCS position is that there is a risk that direct measures and fiscal fines will be used to lessen the business that is going through the courts in order to allow for court closures, otherwise capacity for the business will be an issue.

**John Logue:** I can give a categorical assurance, on behalf of the law officers, that direct measures will not be used in any way to facilitate court closures. As part of our work with the Scottish Court Service, we are closely considering other changes that we can make to the way in which the criminal justice system operates. Are there improvements that, together with court restructuring, will produce, overall, an improved service?

**The Convener:** What other matters are you giving consideration to?

**John Logue:** I am not sure whether this is the appropriate point to go into them in detail—

**The Convener:** Just give us an example.

**John Logue:** We have been putting some effort into improved communication with witnesses. This month, we implemented on a national basis an improved communication ability with all witnesses, reminding them by text when the case was going to be coming to court. We piloted that at Edinburgh sheriff court at the beginning of the year and the initial outcome was favourable. Of all the people who received a text message, 7 per cent said that they would not have come to court if they had not received that reminder. In a small pilot, 7 per cent is quite a small number. However, if you scale that up, as we have done this month, across

all the courts of Scotland and all the sheriff court summary trials, you can see that that has the potential to improve the efficiency of the courts and the service that is offered to the public, because it reduces churn.

As a partner organisation, we are working closely with others on measures to reduce churn. We are considering the use of closed-circuit television links so that witnesses do not have to come to court to give evidence. Our aim is to improve the quality of what we do and also, alongside court restructuring, to build a better criminal justice system.

**The Convener:** Before I let in Mr Naismith, who has been waiting patiently to speak, I want to ask Alison McInnes if she is going to ask about churn.

**Alison McInnes (North East Scotland) (LD):** Yes.

**The Convener:** Good. You can do that after we hear from Mr Naismith.

Churn is a horrible word, is it not?

**Stuart Naismith:** It is.

I am delighted to hear John Logue's assurance about decision making in the Procurator Fiscal Service with regard to access to justice. However, I was going to address churn, which has been mentioned by John Logue and Susan Gallagher.

Susan Gallagher spoke about the impact on witnesses and victims of changes in the court system. That is important and weight should be attached to it.

In our written submissions, the Law Society has identified little correlation between court reforms, which, in principle, seem inevitable and for which there are good proposals, and budgetary reforms, which do not seem to be directly associated with the court reforms.

It seems to be somewhat ambitiously assumed that reforms to the court procedures will positively affect churn. They might well do that, but I also believe that court closures will negatively affect churn.

One aspect of churn might be that witnesses and people who are intimidated by the prospect of travel do not turn up in court, as Susan Gallagher suggested. The issue is not just the accused not turning up for a criminal process; the whole justice system can be affected. Travel is an important aspect to which weight should be given in considering budgetary implications.

Susan Gallagher mentioned Rothesay sheriff court, which is—undoubtedly—a low-volume court. However, it is simply a building. Its cost of £6,000 a year, which is identified in the Scottish Court Service budget, is petrol money—to use a

euphemism—to get court officials down there when the court sits. Not closing that court might have a positive impact on victims, and the cost would be negligible in relation to the overall budget. The saving would be de minimis in the context of the Scottish budget. In my business, it would be akin to the impact on expenditure for a year of my not buying a coffee. The cost would be utterly negligible.

**The Convener:** You are not a Rothesay solicitor, are you?

**Stuart Naismith:** I am not.

**The Convener:** That is good. I thought that I would help you out, in case there was special pleading.

**Stuart Naismith:** I know where Rothesay is.

**The Convener:** Rothesay will be pleased to know that.

**Stuart Naismith:** The saving would be inconsequential.

**Eric McQueen:** Stuart Naismith has commented on savings from places such as Rothesay. The court there has come into our proposals because they are not just about driving down costs and saving money. This is the first time that we have had a fresh look at the court estate across the country and tried to identify a sensible model. If we started afresh and did not have a court estate, would we have a court in Rothesay or on Arran? In what rural areas would courts be based?

We are considering not just saving money but where it is sensible to have courts and how frequent court hearings should be. That is why courts in places such as Rothesay and Peebles came on to the radar of the consultation.

I return to the points about the impact on court users. I very much echo what Susan Gallagher and Stuart Naismith said about victims and witnesses and about the wider group of court users. We need to bear it in mind that the news is not all negative and that the impact on court users will not be all bad.

One of our most controversial proposals has been to close Haddington sheriff court—

**Roderick Campbell:** And Cupar.

**Eric McQueen:** The proposal is one among others.

**The Convener:** Before we go further, would members like to get in a list of all the courts, so that nobody feels that they have missed out?

**Eric McQueen:** We could take a vote.



Haddington sheriff court is a good example. It is situated in East Lothian, which has a population of more than 100,000. For the 8,000 to 10,000 residents of Haddington and its surrounding area, going to Edinburgh would be an additional journey with an additional cost. We made that clear in the consultation document. However, for residents of Musselburgh, Prestonpans, Tranent, North Berwick and Dunbar, the travel distances would be the same or shorter, because of the access links, such as train links, to some of those areas, and some travel costs would be less.

The proposals are not all about one-way traffic and having something that will be worse for court users. The residents of all the areas that I just mentioned have better and more regular transport links to Edinburgh, so the chances of a witness being on the same bus or train or being in the same carriage as the accused will probably be less than they would have been had they been going to Haddington.

I am trying to keep the issue in proportion. We fully understand that there will be impacts on some people in some areas and we have made that clear.

**The Convener:** The committee understands that.

**John Logue:** I have a final point on court users. When the change was to be made from district courts to justice of the peace courts and the district courts were rationalised, an important bit of work that was done was an analysis of the types of cases at courts and of where witnesses and the accused came from. We will engage with the Court Service in relation to that work once there is more clarity about the courts that will be affected. For example, a court will have a particular volume of work, but it will not necessarily be the case that a significant proportion of that work involves local people. If a court deals with a lot of road traffic work, the accused might have no connection to the area.

We need to factor in a number of aspects in relation to court users. It is certainly the intention of the Procurator Fiscal Service to work as closely as possible with the Court Service in the same way that we did when we looked at the district courts.

11:15

**Alison McInnes:** I will be brief, because I have to go to the Health and Sport Committee to move some amendments.

Mr Naismith raised concerns that anticipated my question, but I would like to hear from the other panellists a bit more about churn. We know that exceptional costs are associated with churn; we

saw that in the Audit Scotland report earlier this year. Will the planned budget cuts jeopardise the attempts to reduce churn? Ought we to be much more careful about that?

**Eric McQueen:** We do not believe that the cuts will do that; we believe that they will be manageable. Over the past number of years we have managed to stabilise performance in the courts, despite the fact that we have had reducing resources. When we look at the implications of the court closures and start to amalgamate business in new courts, we will look carefully at the impact on the court programme of the volume of cases coming through and what we describe as the utilisation levels of courts. Even based on the planned business of the amalgamations, in most cases we reckon that court utilisation will be largely between about 85 and 90 per cent, so we still have flexibility within the programme. Even of those courts that proceed, the average length of a sitting day is still between three and four hours, although we have the potential to use the court for six hours each day.

While there will always be pressures on the court programme and on performance, we think that there is comfortable capacity within the estate. The issue is to take forward the type of things that John Logue talked about in relation to the making justice work programme and to consider how we make the progress of cases much smoother and faster and take out some of the churn that causes a lot of difficulties in the criminal justice system in particular.

**The Convener:** Mr Carroll, do you want to come back in? I want to be brief on churn. I do not know how many times it appears in the *Official Report*, but I think that we have aired the issue pretty well.

**Brian Carroll:** I will be as brief as I can be on churn. Churn is a big problem in the court system, but the Court Service, the Procurator Fiscal Service and other justice partners and agencies have been doing quite a lot to try to minimise its impact. One thing that was tried and will be tried again is the introduction of a system model that will programme the business so that there will be a finite number of cases for certain slots and the business will fit into those slots. However, the justice system does not always work like that, and that model failed when it was tried previously. That is not to say that the new pilot will fail. Churn is something that will have to be addressed for the quality of service and the delivery of justice in Scotland.

Other factors come into churn—for example, the working of the legislation itself in relation to intermediate diets, which are not working as they should. If the intermediate diet legislation worked in court as it should, churn might be reduced.

My final point is on churn and solemn business. There are courts around Scotland that have difficulty in processing their solemn business. For example, Stonehaven, which is one of the courts that has been earmarked for closure, regularly takes sheriff and jury business from Aberdeen; indeed, I believe that from January 2013 onwards there will be week-long sittings in Stonehaven, principally to take overspill sheriff and jury cases from Aberdeen.

**The Convener:** There were useful submissions to the consultation about sheriff court closures, and those matters have now been put on the record. I want to move on, as I think that we are churning churn now.

**Alison McInnes:** Excuse me, convener, but I have to go.

**The Convener:** Thank you. We now have, at last, Colin Keir—this is your big moment.

**Colin Keir (Edinburgh Western) (SNP):** Well, there we are. Thank you, convener, and good morning.

Given the pressures on budgets from everywhere, as we have heard, every subject committee will be looking at the problems of budgets. Given the court reforms and the various other things that the witnesses have talked about today, have any of you considered any options outwith what has been proposed?

**Eric McQueen:** Options as opposed to—

**Colin Keir:** Options in relation to what we have been talking about. Given that we have to accept that there are budget pressures, have any other options been put forward?

**Eric McQueen:** As I tried to say at the start, we have considered options that we see as being not in the best interests of justice. Those options are really about how to further reduce our fixed-cost base by reducing staffing and sitting days further, which would have a detrimental impact on the justice system. Very few options are available to us in the Court Service, because we have such a high fixed-cost base. Unless we can do something dramatic to the court structure that will allow us to release cash to properly target investment in the future, the options that we are looking at will not be in the best interests of the court system or the wider justice system.

**The Convener:** What about using other buildings in communities? What about getting rid of the sheriff court buildings that are not fit for purpose and having a court sit somewhere else? A sheriff court does not have to sit in a purpose-built building. It could sit in a building that has disabled access, such as a community centre. Has that ever been considered?

**Eric McQueen:** Yes. There has to be a strong differentiation between civil business and criminal business. Civil business accounts for probably about 20 per cent of our business and it might be possible and feasible that some of that business could be done in different locations. That might have some of the advantages that Stuart Naismith mentioned earlier, in terms of having a different segmentation for that business.

The difficulty is that criminal business, which is the predominant business that goes through the courts, requires a very high level of safety and security for all the reasons that Susan Gallagher outlined earlier in relation to victims and witnesses. Taking criminal business into community areas would be fraught with problems.

**The Convener:** I accept the distinction, but would it be possible to perhaps consider hearing civil business in other locations in a community?

**Eric McQueen:** That would not be unreasonable.

**Stuart Naismith:** Colin Keir made a very good point about alternatives. We can see alternatives, particularly for civil business. The Scottish Court Service's consultation document identifies reforms and references other on-going reforms of civil procedure and evidence—there must be scope for reforms there. For example, employment tribunal cases could be booked online. We see no reason why someone should have to go to the sheriff court to get a warrant on a summary cause. They should be able to do that online, even though it involves payment of a fee. There is no reason for routine civil procedural matters to be considered anywhere locally; that can be done centrally. There is no reason for interlocutors to be typed at the court; they can be typed centrally. That would of course involve reforms to infrastructure and procedure that, in fairness to the Scottish Court Service, I believe are under consideration. It strikes us that there are obvious opportunities for significant savings to be made by moving those matters forward.

Of course, in a budgetary context where capital expenditure is being slashed, such reforms become difficult. That is where the Scottish Government, the Scottish Court Service and anyone who is a participant find themselves between a rock and a hard place. However, we have certainly identified those areas as areas where we believe that significant savings can be made.

Eric McQueen said that 20 per cent of court business is civil business. I believe that 90 per cent of that civil business is undefended. We are talking about a purely administrative process that must, in this day and age, surely be conducive to

savings through economies of scale and the use of information technology.

**The Convener:** Could business that involves social workers and local people, such as family law business, or small claims business, which is usually locally focused, perhaps be held in different venues?

**Stuart Naismith:** It very much could.

**The Convener:** I accept that procedural matters could be centralised.

**Stuart Naismith:** I accept that entirely and believe that it is true. There is a strong argument that children should not be anywhere near a court—full stop. There are other venues where such business could take place. Such procedures involve the arbiter—whether they are a sheriff or another person, if the matter has been devolved to them—moving from the court.

I understand that there is some resistance to the prospect of mobile sheriffs, but I honestly cannot see any reason why that should be so. The cost is nothing.

**The Convener:** I have a very unfortunate image in my mind of sheriffs on wheels—skateboarding sheriffs.

**Stuart Naismith:** For family law business, we are talking about meeting at a venue that need not necessarily be the court. That could be managed, I dare say—

**The Convener:** Mr Carroll and Mr McQueen are next, and then I will bring in Graeme Pearson, John Finnie and Rod Campbell.

**Brian Carroll:** PCS would say that options to deliver justice in a significantly different way from what we have at the moment are limited. Using alternative accommodation for certain types of business was suggested at the dialogue events. I do not think that that has come through particularly well in the consultation.

Doing things online is fine as far as it goes—there is a place for that, as with direct measures. However, PCS would say that when people are dealing with issues such as family bereavements, adoption cases or summary causes and small claims, one-to-one interaction between them and a member of staff who can give them expert advice and, if required, empathy and sympathy should also be considered as a matter of paramount importance and should not be a consideration when we are looking at budget cuts. We should not put the burden on to the person who is dealing with those issues by making them travel further and experience further anxiety and worry.

**Eric McQueen:** On the question of choices, as far as we are concerned, it is not a choice between court structures or transformation; we

can take both elements forward. We want to find a way of making them complementary.

Lord Gill's review of civil courts represents the biggest change to the way that civil business is done that we will ever see. The emphasis is on using technology to maximum effect, ensuring that there is electronic registration of cases and trying to limit, as far as possible, the need to come to court.

**Graeme Pearson:** Ms Gallagher, on the victims and witnesses issue, we have heard a lot from the various panellists about dialogues. Do you feel that Victim Support's views were heard and fully considered in those dialogues? Have they been acted on?

I would like you to clarify something in your submission so that I can get an understanding of the challenges that you face. You write:

"Having JP trial witnesses present in the same building as witnesses in sheriff court trials will bring significant challenges for our Witness Service".

What are those challenges?

**Susan Gallagher:** Victim Support and the Scottish Court Service have been in dialogue for some time about trying to improve the experience for witnesses in courts across Scotland. We have been doing quite a bit of work on that. The move that has happened has been positive.

When the Scottish Court Service held regional sessions around the country, our staff participated in them. We feel that we have a contribution to make and that we were heard.

I have an issue about the ability of victims, witnesses and the public to be directly involved in and informed about that dialogue, rather than just being represented by agencies such as Victim Support. I know that people can contribute to the consultation, but there might have been an opportunity to do a little bit more locally to gather people's views about how they might be affected.

The point about JP courts is interesting. The witness service was set up to work with people who were involved in criminal trials, but not those in JP courts. However, over the years we have found that we have supported both sorts of witnesses because, when everyone is sitting in the same room, we cannot differentiate between people who are going to a JP court and people who are going to other courts—we do not want to go up to people and say, "We can support them, but we cannot support you."

We are still examining the impact on our organisation. We are not sure whether it will be great. However, we know that the volume of work for our witness service might increase because of the changes.

11:30

**Graeme Pearson:** I have a point for Mr McQueen on what is probably a *bête noire* for me. On this side of the table, it is frustrating to hear about the challenges that you face on the budget and on plans for the future and about the cuts that you all face. Money has been invested in prisons and courts to allow court appearances by closed-circuit television, but there is little evidence that that has been used, although it could produce substantial savings in money and court time and even reduce the impact on the environment. Is there any energy in the system to finally get that working?

**Eric McQueen:** There is energy, and I hope that you will start to see some of that soon. A major part of making justice work is a project to look at videoconferencing, which the Scottish Legal Aid Board is leading. The first phase of that concerns establishing agent-to-client access between solicitors' offices and prisons and police stations, to allow solicitors to have discussions with clients.

I think that you are alluding to the link that has existed for some time between Barlinnie and Glasgow sheriff court for full committal hearings and solemn business. Its use has been sporadic at best, but there has been a resurgence since the earlier part of this year—about 40 per cent of full committal hearings are now taking place by videoconferencing.

We will look at where we can make sensitive and targeted use of videoconferencing to get the best uptake of business. It is clear that we cannot use it for all business, and perhaps using it across the country would not be sensible. There are limitations in relation to access to prisons and the number of booths that would have to be made available.

We are looking at the best areas for the biggest effect. For example, for how many procedural hearings that could be achieved by videoconferencing do we move people around the country? There is a strong commitment in prisons and the Prison Service to expanding such use where we can.

Two weeks ago, we ran the first trial of a criminal appeal in Parliament house by videoconferencing. We want to develop that and to ensure that, when people are in custody, the majority of criminal appeals are taken by videoconferencing. Judges in the High Court are keen to see whether videoconferencing can be extended to other aspects, with a focus on people who are in custody.

We are moving forward and there is momentum. I realise that videoconferencing is not a silver bullet, but it could help to deal with segments of

people who are required to come to court, for whom videoconferencing could be an option.

**Graeme Pearson:** I assure you that I will keep an eye on developments.

**The Convener:** He will, too.

**Eric McQueen:** Absolutely. A big commitment involves the costs and savings of videoconferencing. Everyone realises that the savings might fall not to the Court Service but to other organisations. A commitment concerns pooling money from savings, to cover the costs of investment that might be required in the future.

**The Convener:** We are back to the business of Peter and Paul and saying that we are all in it together.

**Eric McQueen:** The big difference this year in the approach to planning has been that it is shared much more and involves understanding where costs and savings will fall.

**John Finnie:** My question is for Mr Logue and is about a comment in the Crown Office and Procurator Fiscal Service's submission on consolidating sheriff and jury business. We heard from Ms Gallagher about the transport challenges for residents of Rothesay who will require to travel to Greenock. I represent the Highlands and Islands, so I can trump that significantly on mileage and inconvenience.

Page 2 of the Crown Office and Procurator Fiscal Service's submission says:

"The two most significant issues in respect of court restructuring from a COPFS perspective are ... adequate capacity ... and ... that there is not excessive travelling for both police and civilian witnesses ... None of the distances from existing courts to the proposed centres are prohibitive".

As things stand, someone in Thurso or elsewhere on the north coast who would currently go to Wick would have to go to Inverness. I understand that there might be some provision for transitional arrangements. Someone from Tiree who presently goes to Oban would have to go to Dumbarton.

**The Convener:** Is your microphone on? You are awfully quiet.

**John Finnie:** It is on. I will lean towards it.

You go on to say that you are

"conducting detailed analysis of the postcodes of civilian witnesses compared with the location of the courts".

Am I to tell my constituents that none of those distances is prohibitive? Is that the position of the Crown Office and Procurator Fiscal Service? Can you give us some further information on the postcode analysis that you are conducting? Inevitably, the changes will result in additional

overnight expenditure and an enlargement of our carbon footprint.

The same applies to the removal of Inverness from the High Court circuit, which results in fewer car-loads of lawyers coming up and more bus-loads of witnesses going down, with all the uncertainty that is associated with that.

**John Logue:** The analysis is the work to which I referred earlier, when I drew the comparison with the move from district courts to JP courts. That bit of work breaks down the information that we have about the people who use the criminal courts in terms of where they live and the frequency with which they are asked to go to court. I appreciate that there is a reluctance on the part of the committee to perpetuate the use of the word “churn”, but a large part of the problem that we face concerns the repeated appearance by people at courts, whether they be more local or further afield.

The work is on-going. I do not have the detailed results yet, so I cannot share them with the committee today. We are still working through the results, and we will ultimately share them with the Scottish Court Service. I would be happy to share that information with the committee in due course. Previous committees considered the precise proposals for each court, so I imagine that that information will ultimately find its way before this committee if you come to consider any of the precise proposals for individual courts.

**Roderick Campbell:** I have a few questions—

**The Convener:** I could tell that from all the papers that you have been rustling.

**Roderick Campbell:** Mr McQueen, what is the estimated backlog of maintenance for the whole of the Scottish courts estate?

**Eric McQueen:** That is a good question. I think that the total figure is around £60 million. I am not 100 per cent sure. I can confirm that formally if you want.

**The Convener:** Do not commit yourself to something if you are not sure. It would be best if you wrote to the committee when you have the figures.

**Roderick Campbell:** Over what period of time would those maintenance costs usually be incurred? What is the timescale for carrying out work?

**Eric McQueen:** The timescale, largely, would be anything between zero and five years. Each of the pieces of work is prioritised on the basis of its importance with regard to compliance, health and safety and desirability.

**Roderick Campbell:** Lord Gill highlighted in his report a great number of things, including what he

called the increased role of the district judge—that is how he put it; we are now talking about summary sheriffs—in dealing with small claims. I did not detect anything in the report that dealt specifically with the locations of district judges or the issues that the convener has touched on around mobility.

Your proposals effectively reduce the number of locations where district judges will sit. That does not really flow from Lord Gill’s report, does it?

**Eric McQueen:** It does not flow directly, but we have tried to ensure that our proposals take account of it as far as possible. Clearly, the proposals have been signed off by the SCS board as ready for consultation, and Lord Gill, as Lord President, now chairs the SCS board. We have tried to reflect, as far as possible, the emerging ideas from the reforms within our indications for court structures.

**Roderick Campbell:** This question is primarily for Mr Logue, to assist my understanding of how the new federation system—north, east and west—operates. If a High Court case would proceed in the eastern region, whereas a solemn or summary case would proceed in another region, would there be any organisational difficulties for the fiscal and Crown service?

**John Logue:** I am not sure that I quite understand your question.

**Roderick Campbell:** It might help if you explained how the federation system operates in practice.

**John Logue:** I will certainly do so. In practice, all summary cases and all solemn cases in the sheriff court take place in each of the three federations. My responsibility is for the east of Scotland. The best way to illustrate what happens in that part of the country is by reference to the current police forces; the east of Scotland federation matches Lothian and Borders Police, Fife Constabulary and Central Scotland Police. All the summary cases for which I have responsibility in the east of Scotland, and all the indictments—solemn cases—in the sheriff court in the east of Scotland take place in the 13 courts in the east of Scotland. I have responsibility for 11 procurators fiscal offices. We have a network of sheriff courts, JP courts and procurators fiscal offices in the east of Scotland, which take care of all the summary and sheriff court solemn business.

Solemn business in the High Court that originates from anywhere in the east of Scotland can currently be prosecuted anywhere where the High Court sits in Scotland. It is the High Court’s responsibility to allocate cases at the stage of trial, and it does that according to availability, on a nationwide basis. In the past year, for example, there was a murder case in which the offence took

place in the Borders but the matter went to trial in Dundee. Currently there is a degree of movement of High Court casework across the country.

The proposals in the consultation document envisage that, if the High Court is working towards a more stable picture, with three centres, one in the east, one in the north and one in the west, it should be possible to change the way in which work is programmed and organised so that in the majority of cases matters can be heard at the local High Court base—for the east of Scotland, that will be Edinburgh. However, it is envisaged that there will always need to be a degree of flexibility, because of the tight time limits in custody cases in the High Court. It might still be necessary to take advantage of flexibility on a national basis. Does that answer your question?

**Roderick Campbell:** Not exactly—

**John Logue:** I am sorry if I missed the point.

**Roderick Campbell:** My point is a bit technical. In my constituency, North East Fife, a High Court case would go to Edinburgh, or perhaps Dunfermline in some circumstances. However, under the proposals, summary cases in future will go to Dundee, which is in the northern region.

**John Logue:** I see the point. As I hope that I illustrated, High Court cases from Fife might currently end up being prosecuted in Glasgow, because that is the biggest High Court facility and therefore has the majority of High Court business. The High Court in Glasgow takes cases from the whole of Scotland. I am aware of cases that originated in Fife and went to trial in Glasgow.

The proposal in the restructuring document is that if Cupar sheriff court closes, its work will transfer to Dundee, because the work that the Scottish Court Service has done suggests that such an approach provides the best fit for the work and for the people who use Cupar sheriff court. The fact that the work moves from the east to the north, in the context of the COPFS system, is of little consequence; we will organise ourselves around that and it will make no difference to our work. I am sorry if that was a long-winded response.

**Roderick Campbell:** My question was a wee bit technical. Thank you for your answer.

**The Convener:** We have Lord Gill's review, Lord Carloway is doing something and Mr Logue tells us that the Crown Office is looking at a review of the kind of business that the various courts take. Should we defer anything to do with where our sheriff courts are until all that work comes together, or should we just press on? The reviews will have an impact. Should we just get on with it or should we wait? We will conclude shortly, so I ask for brief answers.

**John Logue:** I see no need to wait. You are talking about matters that, in essence, are all brought together by the work that we are doing with the Scottish Court Service and the Scottish Government. From the perspective of the fiscal service, we are taking everything together in the round.

**Eric McQueen:** I agree entirely with John Logue. We would be putting our heads in the sand if we did not take the proposals forward. Matters are being brought together through the Scottish Government's overarching programme, making justice work, which is looking at all the reforms that are proposed and all the technological developments. Where court structures fit is part of all that. I think that a much more joined-up approach will start to emerge, in relation to timescales, outcomes and deliverables from the different programmes.

**The Convener:** I offer the other witnesses the opportunity to make brief comments. Should we wait, or should we go ahead?

**Stuart Naismith:** We should wait. We are not against reform, but we prefer reform to be fact based. There are reviews in the pipeline, and in our view court closures are not related to reform.

**Brian Carroll:** The reviews that the convener mentioned are about not just a redistribution of existing business but the way in which cases that need to come before the courts are dealt with. Our view is that the changes that need to be brought about by the reviews represent significant, root-and-branch reform of the judicial system in Scotland. The current consultation does not put in place any revised structure in the event of future reforms or change how court work is processed.

**Susan Gallagher:** We also say that we should wait until we have decided how we will move justice forward in this country.

**The Convener:** Thank you all for your evidence. It has been a long session. I intended to suspend the meeting until midday, but that would give members a 14-minute break—och, you have earned a proper break, so we will resume at about midday.

11:46

*Meeting suspended.*

11:59

*On resuming—*

**The Convener:** I welcome our second panel of witnesses with whom we will discuss the implications of the budget. They are: Sean McKendrick, who is vice-convener of the criminal justice standing committee of the Association of Directors of Social Work; Kate Donegan, who is governor of Cornton Vale; Brigadier Hugh Monro, who is Her Majesty's chief inspector of prisons for Scotland; Colin McConnell, who is chief executive of the Scottish Prison Service; and Anne Pinkman, who is convener of the Scottish working group on women's offending. I thank you for your written submissions, which were all helpful.

The focus of this session is women's offending and the financing of the recommendations of the commission on women offenders, although there is nothing to stop people commenting on the previous session, if they wish. I should also thank the Cabinet Secretary for Justice, who has provided us with a full answer that deals with many points. Let us move to questions.

**Graeme Pearson:** I thank the panel for waiting for us. The submission from the chief inspector of prisons indicates that, much as he welcomes the £20 million of additional capital funding, there is a need for "bold decisions". Given the time that the committee has spent looking at the situation, would he like to share with us the bold decisions that he invites for the future?

**Brigadier Hugh Monro (HM Chief Inspector of Prisons for Scotland):** This is a moment for bold decisions mainly because, as I said in my submission, we have waited a long time for a bold decision to come along. I have hoped for Cornton Vale to become top of the priorities list, and I feel strongly that that is where it should be. As I also said in my submission, I feel more hopeful that the situation is more optimistic because of how the new SPS chief executive is looking at things—because of his take on personal responsibility and the responsibility of the SPS board for the future—and because of the appointment of Kate Donegan as Cornton Vale's new governor. Therefore, I feel much more optimistic than I was.

To answer your question, I think that we need to look at new ways of, and new places for, imprisoning women offenders. We need new ways of dealing with women offenders in a much more holistic fashion—not as part of a silo in the criminal justice system but as part of a much more horizontal approach, if you like. Some of the ideas that I see coming down the track may well tick some of those boxes, but we need to see precisely what the vision will look like. How will we deal with women offenders? How will we deal with them in a holistic process? How will we deal with some of

the family issues, which we might come on to later? I see many mothers who are imprisoned. How on earth will we deal with that situation?

I see a need for bold decisions in terms of location—perhaps a new prison—and in how we look at imprisoning women and dealing with women offenders in the widest sense. I do not know whether that answers your question.

**The Convener:** Would you care to comment on the answer that the cabinet secretary gave us? Have you had the opportunity to see his proposals on the way forward?

**Brigadier Monro:** I have not had the chance to look at that, which may be my fault. I apologise.

**The Convener:** Not at all. I will make sure that you get a copy of the cabinet secretary's letter as we proceed. There is a whole list of proposals in it that address some of your appropriate concerns, which we have shared for a long time.

**Graeme Pearson:** Perhaps we could welcome Kate Donegan back to the prison that she looked after previously.

**The Convener:** Kate Donegan and I go back to 2000, I think. We are both wearing well.

**Graeme Pearson:** Much time has been spent on talking about what we might do. Now that you have returned to the prison, what is your view as you look at the current prison compared with where it came from? With the support and authority, where would you like to take the prison over the next five years?

**Kate Donegan (HM Prison Cornton Vale):** I notice that the condition of the women has—sadly—not varied since I was at the prison last. I have picked up from the first month of being in Cornton Vale that there are still a lot of women who are suffering from mental health issues. I have contacted the Mental Welfare Commission for Scotland and the Scottish Government in relation to some of the women, who are in quite distressing conditions because of mental health issues. The nature of the population has not changed much.

I must say that because the new chief executive of the SPS has taken a personal interest in Cornton Vale and because Dame Elish Angiolini's report has come out at a time when lots of organisations are coming together collaboratively to deal with women offenders, getting back to Cornton Vale is incredibly exciting. We have the opportunity to work in the integrated way that the chief inspector talked about and there is now a real passion among third sector and statutory bodies to do exactly that. The last time that I was there I felt like a lone voice, pretty much; I would get on my box and wave my arms around, but not to tremendous effect. The difference now is that all

parties are working together and are keen to give life to Dame Elish's recommendations. That is a wonderful opportunity.

**The Convener:** I should say for clarification that the cabinet secretary's letter came out only yesterday. The witnesses will probably want to give us supplementary written evidence on that after the meeting, once they have had the opportunity to see the letter, which I cannot possibly ask them to read thoroughly and comment on just now. It touches on many issues that I think the witnesses will want to respond to. I am getting them copies now, but I do not expect them to comment on it on the spot.

**Graeme Pearson:** Given that health issues play a big part in dealing with people who are, in essence, damaged, will the shift of healthcare responsibility from SPS to national health service provision bring any immediate benefits? Will it open up a bigger resource to support women?

**Kate Donegan:** Making the transition from SPS to NHS healthcare responsibility was quite a complex exercise, but it has done exactly what you suggested—it has opened up the whole NHS to provide care for women. Although there were some restructuring difficulties, the good part of the transition process was that prisoners saw no difference in the care that they received. That change has given me the opportunity to link into all NHS health boards, rather than just the local health board, because Cornton Vale is of course a national establishment. From my point of view, the shift has opened up a range of options that were much more difficult to hook into before, particularly for women with mental health difficulties.

**Colin Keir:** Has there been any discussion about the benefit changes that will happen over the coming months? Will the changes affect women disproportionately?

**Colin McConnell (Scottish Prison Service):** At this stage, we have not entered into that discussion about the grand plan for going forward, but I take your point that there may well be disbenefits in those arrangements. Perhaps Kate Donegan could mention something more local.

**Kate Donegan:** We are in discussion with the Department for Work and Pensions to see what the effect will be on women. Loss of housing allowance and difficulties with maintaining tenancies and with getting anything better than temporary accommodation are important for women, so we are discussing precisely how the change to the benefits system will affect female offenders and what we might be able to do to influence some of their difficulties. We have surgeries in the prison to help women with benefit problems and we are liaising with the Scottish Government, in particular.

**Colin Keir:** I asked my questions because of an on-going discussion that I am having with the City of Edinburgh Council, which is considering its position on benefits and particularly benefits that go to one person in households. Generally, the male partner is in receipt of those benefits. Given the possible problems that have been identified of people essentially blowing payments, it would be helpful if you could articulate something that would assure us that the issue is being considered.

**Kate Donegan:** It certainly is being considered, because we share the same concerns. One of the principal difficulties for women who are released from prison is the business of needing to have secure accommodation, and that does not happen for them as often as we would like. The impact of the change in benefits could be fairly dramatic, so we obviously need to address it.

**Sean McKendrick (Association of Directors of Social Work):** From a community-based perspective, there is a clear analysis of the correlation between the extent of welfare reform and the impact that it will have on the country's poorest people. We have highlighted housing benefit as a particular issue; potential difficulties relate to the move from making payments directly to local authorities to making payments to individuals. In Glasgow, registered social landlords have begun to discuss with residents different ways of tenants processing payments directly to registered social landlords.

The work programme will have particular impacts on women and women who offend. The vast majority of women who offend have a number of challenges in their lives. Subscribing to the detail of work programmes might be a challenge for them, and there may also be childcare-related issues.

The discussion of such issues might not have progressed as far as it should because of issues in relation to the details of the impact of welfare reform.

**Sandra White:** I thank our witnesses for their excellent submissions. I visited Cornton Vale in my previous role in the Equal Opportunities Committee and, like Kate Donegan, I was absolutely appalled at the conditions. Although help was starting to come forward, it certainly was not joined up at that time. I am pleased with the commission's report and I congratulate the witnesses on the work that they are doing.

I do not particularly want to follow up the questions about the Department for Work and Pensions but, as we are considering the draft budget, I should ask whether you think that some of the stuff in the report is achievable, given what is in the budget. The convener mentioned the letter from the Cabinet Secretary for Justice, which



is about six pages long and is excellent. It indicates that he accepts the commission's recommendations in relation to community support, more community justice centres, reintegration and so on. Are those recommendations achievable under the current financial settlement in the budget?

**The Convener:** That silenced everybody. Who wants to pitch in?

**Brigadier Monro:** I have nothing to do with money, thank goodness, but I think that the question was also about what will happen if we do not do something. We cannot go on for too long in the way that we have been going. If we could only wave a magic wand—I hope that the cabinet secretary's letter contains one—that would be fantastic.

In 2009, when I first went to Cornton Vale, I was, like you, shocked by what I saw. Mrs Donegan and the chief executive of the SPS are taking due account of what is going on at Cornton Vale, but the current state cannot continue. That does not answer your specific question about money, but there is a moral question as well.

**The Convener:** Does someone want to deal with the money side?

**Colin McConnell:** I can say that the Scottish Government has ensured that the SPS is adequately funded for the job that it has. Certainly, the proposals that I put to the cabinet secretary and about which he has written to the committee, which relate to the journey that Dame Elish has set out for us to follow, are absolutely apposite to where the SPS would like to see things going.

In relation to the resources that we have, I foresee no particular difficulties in the immediate future in establishing the seedcorn of taking Dame Elish's key recommendations forward. I have said as much to the committee in my evidence. Of course, what happens in the next budget review will be critical to that, and it is not for the SPS to make judgments about where scarce public resources should go—that is for the Government and Parliament more generally. However, given what the chief inspector and others have said, I am really hopeful, and I encourage the Scottish Government to support us and move ahead to deliver the wider agenda as set out by Dame Elish.

12:15

**Anne Pinkman (Scottish Working Group on Women's Offending):** To build on what Kate Donegan said, there is an appetite and energy among partners in communities to work together, to use our existing funding and to use it more creatively—I mentioned that in my written

submission with reference to the establishment of women offender teams in communities and the recruitment or secondment of nurses from the NHS into criminal justice services. Alongside new moneys, building on that willingness to work together should allow us to take forward the agenda of addressing the needs of women offenders in prison and in the community.

**Sean McKendrick:** My answer would be broadly similar to Anne Pinkman's contribution. I will illuminate just one other aspect. We are talking about a much more collaborative working approach to women offenders, and I am happy to hear about the recommendation on community justice centres. That brings a focus to the suggestion in evidence that a much more integrated, collaborative approach to the variety of needs that women face is more likely to deliver in terms of outcomes.

I broadly agree with my colleagues' statements about the landscape, the environment and the current culture, and I recognise that there will be benefits from making best use of the additional money—particularly the £1 million that was given this year and the change fund. Looking at ways to ensure that delivery is much more integrated around a range of needs is a positive place to be in.

**Margaret McDougall:** Good afternoon, panel. I am pleased that you are now looking at the community justice service as a collaborative service. Have you had talks with local authorities and health services about the best way to provide that service?

**Sean McKendrick:** That is a difficult question for the ADSW—it is a member-based organisation, and different councils are in different places in terms of the types of dialogue that we are having with them. I am certainly aware of Dundee City Council and Fife Council having particular responses in relation to their debates and discussions. In my local authority—Glasgow City Council—our community justice authority will consider a report from me about a partners day to deal with a number of organisational challenges around the creation of a community justice centre, and to engage partners, to try to find answers, to define a common approach and to debate how we will deliver such an approach.

Colleagues in Dundee City Council have a women offenders team and although we recognise that collaborative approaches can lead to better outcomes, often our experience has been that the funding comes to local authorities to provide community justice resources through section 27 of the Social Work (Scotland) Act 1968. Dundee City Council funds the NHS to provide the nurse service, so when we are mentioning collaborative approaches we need to recognise that the whole

system needs to invest, particularly when it comes to the most vulnerable women in our society. That discussion has yet to be fully achieved with all health boards and councils, but I give you the assurance that colleagues in the ADSW are progressing such discussions, although they may well be at different stages.

**Margaret McDougall:** Just to follow up on that—

**The Convener:** Just before Margaret follows up, you have the letter in front of you from the cabinet secretary—it deals with community justice centres and pilots on page 9. Have you had the opportunity to look at the letter?

**Sean McKendrick:** I would like to have had more time to read it.

**The Convener:** I know. I am not asking you to comment; I am just saying that the information is there. It is a pity that the letter came in only yesterday, but there we are.

**Margaret McDougall:** I am pleased to hear that partnership work is going on in relation to community justice centres and how they would be funded—I was going to ask about that. I hope that the funding also involves a partnership. Is there a timescale for the whole of Scotland to participate in the partnership working?

**Sean McKendrick:** In this financial year, £1 million has been allocated to a range of recommendations, including the pilot of community justice centres. It is for the Scottish Government and local authorities to discuss the timescale and to identify the pilot sites. I confirm that the ADSW and the Scottish Government are keen for the work to be done efficaciously and as quickly as possible, but I have no particular timeframe in mind.

**Kate Donegan:** We have examples such as the 218 centre in Glasgow and the willow project in Edinburgh. I think that 218 is broadly acknowledged to be an excellent community facility for women. It is a kind of one-stop shop that many people praise as an example of a community hub.

Community hubs like 218 and willow need to expand to include more partners, so that they are almost one-stop shops for women, many of whom find it difficult to navigate the complexities of society—of working out what their benefits are, who to go to for housing, what happens when children are taken away and so on. I have great hopes for the community hubs' success.

**The Convener:** Some committee members, including me, have visited 218, which impressed us. Other members went elsewhere. I am interested in the comments about benefits. One of the first things that we were told at 218 was that

someone from 218 turns up to give women transport, to get them benefits and to ensure that their housing benefit continued. Simple things such as that are done to stabilise women as soon as they come out. We were impressed by that facility.

Does Sandra White want back in? Do not leap in.

**Sandra White:** I wanted to praise 218, but you have mentioned it, so that is fine.

**The Convener:** We were impressed by the centre, on which we reported back to the rest of the committee.

**Roderick Campbell:** My question is about the community justice service generally. This evidence session is supposed to be about budgetary constraints. Given the funding that is available, what can be achieved on community justice and reintegration generally?

**Colin McConnell:** I have the opportunity not to talk simply about the resources that have been allocated to the SPS but to think more broadly about the resources that are allocated across the justice system to deliver services, and not just for women, although we are speaking today particularly—and rightly—about women who are in custody and women who offend.

I know that colleagues who deal with policy in the Scottish Government are keen to look at any opportunity that exists. A tremendous amount of resource is allocated across the justice system. The challenge for those of us who work in the justice system is to look at how we can use that resource more flexibly and target it differentially to get the improvement in outcomes that we look for.

I tend to see the numbers for the SPS—which are substantial—as a criminal justice resource and not simply an SPS resource. I imagine that other partners are beginning to take that approach, too.

**Anne Pinkman:** I will echo comments that I made earlier. We must work with partners, such as health services, which we have mentioned. More women are subject to community-based supervision than are in prison. Such women lead chaotic lives and need help to access mainstream services. This is not all about creating specialist services for women offenders; we are talking about access to mainstream services. It is reassuring that health services are very much involved in the projects that the Government is leading.

**Colin McConnell:** In our prison staff, particularly our prison officers, we have a cadre of highly skilled, trained and experienced staff, yet for the most part we restrict and restrain their impact to what happens within the prison walls. We are beginning to look at that resource and to discuss

how we could use it more widely across the justice system, both within prisons and in work out in the community with partners. That discussion is already taking place.

**John Finnie:** My question is for Mr McKendrick. We have heard a lot about partnership and collaborative working. That is to be commended, because it is important across a range of activities. As a former local authority councillor, I am aware that silos inevitably build up in many walks of life.

My question is about preventative spend. We have heard that significant sums are being made available to the criminal justice system, but if we were looking at the matter from a preventative spend point of view, we would go right back to issues around education and housing, which are key. In the case of a female offender with a child, the getting it right for every child principles will immediately kick in and other agencies will be involved. What engagement does your association have with, for example, housing and education departments at the earliest stage of preventative engagement?

**Sean McKendrick:** Thank you for your question. You mentioned the GIRFEC approach. As the committee knows, under that approach, a lead professional integrates and communicates with others who are involved in the care of children and, given the circumstances that we are talking about, the carers of those children. The first point about the approach is that the justice service recognises the imperative around the GIRFEC approach, which has a pivotal role to play.

Local authorities have different structures, but they all have a responsibility to provide integrated services. Connections between council services as well as with other partners are well established through the planning structures in local authorities and that is, in the main, where discussions will take place about how services connect. Over and above that, the CJAs provide us with an opportunity to engage with other service providers, including providers of housing, other forms of education—not necessarily council-related services, but colleges, for example—and employment opportunities, to give another example of where we collaborate.

Those forums around the GIRFEC approach, the planning structures that are available in local authorities and the additional aspect of the CJAs and local political accountability provide a platform on which we can engage, look beyond the service user as simply an offender within the court system, and begin to use some of the support services that are available to meet the assessed needs of the individual.

I argue that there is plenty of scope for such integration, and plenty of effect is given to

partnerships across the country in relation to it. Nevertheless, challenges remain around how collaborative that work is in practice. I repeat that the idea of the community justice centre is to provide a platform for that to be delivered specifically to women who offend.

**The Convener:** If there is plenty of scope, why has it not happened in all the time in which I have been in the Parliament? I sometimes feel—I do not know whether Ms Donegan feels the same—that I am in “Groundhog Day”. Why has it not happened? It seems to be common sense to integrate to ensure that people have housing benefit, that someone meets them outside the prison, that mental health issues are dealt with and all that stuff. You said that there are difficulties with working collaboratively. What is going to change?

**Sean McKendrick:** I would be a much more talented individual than I am if I had an exact answer to that question—especially given that it has vexed everyone in this room for quite some time. I am reflecting upon the current culture; other witnesses have commented on the environment in which we operate, encouraged by the report by the commission on women offenders. Although it is right to say that the infrastructure has been there for some time, we are almost at a new dawn of collaborative responsibilities. In any form of partnership working, different partners will bring different priorities, demands and resource allocation. How we agree and fund a common vision has been the difficulty in making the connection between the platforms that exist and the delivery mechanisms that we can use in order to manage better outcomes. That appears to be the challenge.

12:30

The commission's report is a great catalyst that provides us with a new opportunity in which to elicit some of the good work that we have done in the past and some of the helpful structures that are around so that we can deliver the outcomes that we should be delivering.

**The Convener:** Is it possible to say that the commission's report might, together with the necessity of looking at budgets across all portfolios, concentrate minds?

**Sean McKendrick:** Absolutely. We cannot just look at the commission's report in isolation. We can also see the public sector reform agenda as part of the process. We are in a situation in which we can concentrate minds.

**The Convener:** I am such a cynic these days; we will see how it goes.

Alison McInnes is next. She has brought Cornton Vale to the forefront in the committee.

**Alison McInnes:** Thank you for that, convener. First, I apologise to the panel because I was not able to be here for all your evidence. I want to focus on Cornton Vale and the justice secretary's proposals for dealing with the consultation on women offenders.

We now know that the minister favours a short-term stepped interim solution of necessary infrastructure improvements in Cornton Vale, medium-term use of HMP Inverclyde—although I am not clear whether it will be as a national specialised prison or for all the people who are in Cornton Vale at the moment—and a longer-term proposal for a possible national prison at either Cornton Vale or in Glasgow. What do the members of the panel think of those proposals? After you have answered, I could perhaps explore some of the budgetary implications.

**Colin McConnell:** I would probably be best going first since I suggested that approach to the cabinet secretary.

**The Convener:** You might live to regret that confession.

**Colin McConnell:** There are two issues. The first is that Cornton Vale is really not fit for purpose, so I am grateful that the committee and Brigadier Monro have continued to beat the drum about that. I am pleased that the SPS can at last step up to the challenge of doing something about it. As has already been said, the fantastic catalyst of Dame Elish's commission's report gives us a landscape in which to move forward, but we have to go back to Brigadier Monro's bold decisions about stepping forward.

We could spend some more time thumb-sucking about what we might do in the long term and set out a grand and complicated strategy for addressing every single issue along the way, but the report gives a pragmatic, dynamic and targeted approach to addressing a needy and drastic set of circumstances, which is the fact that Cornton Vale is not fit for purpose.

The approach has three prongs. The first is to make Cornton Vale's living environment as good as we can make it in the short term, because we cannot deliver anything else in the short term. We can, however, do something that will have an impact and make a real difference in the medium term because a prison is already being designed at Inverclyde, notwithstanding the fact that it was being designed primarily for men. In meeting the challenge of Brigadier Monro's bold decision, the cabinet secretary has accepted our proposal that that new prison should be the replacement for Cornton Vale. Why? By and large, the money is already allocated for getting that off the ground.

It also gives us a fantastic—and reasonably close—leap forward in services and environment for women in custody as well as that central hub or national prison that Dame Elish Angiolini recommended. With what you might call that hub-and-spokes approach, we will, in a time window of four years or so, have a national prison and a number of regional facilities purpose-designed to address the very particular needs of women passing through our care in custody.

The alternative was to stick with the SPS's existing plans, which would, in effect, have meant that it would have been 2019 or 2020 before there was a substantial step change in the provision of purpose-built accommodation for women, probably associated with the replacement HMP Glasgow, if it should come to pass. The SPS has taken a really dynamic and up-front step in order to meet the challenges that Dame Elish and the chief inspector of prisons have laid out and to make, with our partners, a step change in how we care for women who pass through the care of custody.

**The Convener:** So, you are saying that, because the facility was being built anyway, there are no budgetary implications.

**Colin McConnell:** The budgetary implications for the SPS in the current budget round are to all intents and purposes minimal, because those moneys were already in the system and were allocated for building Inverclyde prison. However, as we specialise the prison for women, costs that have not been factored in will emerge. Indeed, as my submission makes clear, the cabinet secretary has said that we have to take those issues into account. By and large, however, the money for making the initial move in the current budget round already exists. We will have to bid for additional funds in the next budget round, but we would have had to do that anyway. In any case, I do not foresee any difficulty with funding in these early phases.

**Kate Donegan:** We have already begun to develop plans to change and dramatically improve the environment in Cornton Vale. I do not intend to spend ridiculous amounts of money on that—the chief executive would not allow me to do that—but the fact is that you do not have to spend that kind of money to significantly improve what is already there. Discussions are taking place and things are beginning to change literally as I speak. An exciting part of the project is the fact that we are very quickly making the environment and conditions considerably better both for the staff who work at Cornton Vale and the women who live there.

We will then have the opportunity to input to the design of Inverclyde prison, which will be purpose built for women, and we will be able to take best practice in prison building and design from other

jurisdictions. I hope that we will then have the centre of excellence that—as the convener will recall—we had hoped Cornton Vale would become. I see no reason why that cannot happen, given that many unsung staff working with Cornton Vale just now are entirely capable of creating such a centre.

Before I forget to mention a very important point, I note that we have not really said much about the important involvement of third sector partners, who are working with women offenders in Greenock, Edinburgh and Cornton Vale and will play a tremendously important part in all interested parties' collaborative efforts to take the situation forward.

**The Convener:** I might come to the third sector in a moment, but I will ask Anne Pinkman to comment first.

**Anne Pinkman:** As a chief officer of one of Scotland's eight community justice authorities, I can say that we very much welcome the proposals for developing the prison estate for women offenders and fully recognise that improvements were absolutely necessary.

However, our only concern—I sound a note of caution in this respect—is to ensure that we do not create a female estate that results in an increase in the number of women being sent to custody. If we make it too attractive—by, for example, providing a mother-and-baby unit—that might be a perverse incentive, in the sense that sentencers might increase the number of pregnant women being sent to custody.

We also welcome the smaller community-based or community-facing units that Colin McConnell mentioned, because they offer a tremendous opportunity for agencies, including the third sector, to continue to work with women when they go into prison, while they are in prison and when they come out of prison. Real through-the-gate support is much easier to deliver if the units are closer to home or the area where the woman in question comes from rather than being located in a single national prison.

**Brigadier Monroe:** Listening to what is going on, I sometimes feel the need to pinch myself. The change over the past three years has been remarkable; I am only sorry that it has taken so long to get here.

The chief executive is leading a transformational change not just in physical terms but in a way of thinking. We have heard about collaborative working and integrated effort, but the change in mindset has been extraordinary. The fact that we are even prepared to make serious short-term changes to Cornton Vale to make it more acceptable to families, offenders and—obviously—staff is a remarkable turnaround. I think, having

read the cabinet secretary's note, that the plan is the best that is available. Although the chief inspector would never comment on a plan or inspect a brave thought, I would endorse what is going on and look forward to seeing on the ground the improvements that we have all been hoping for for so many years.

**Alison McInnes:** I share Brigadier Monroe's views and pay tribute to his role in bringing about the changes. Moves to address the appalling circumstances in Cornton Vale are long overdue, and I welcome Colin McConnell's commitment in that respect. It is not so long ago—it might have been this time last year—that SPS sat in front of us and could not tell us anything about priorities. There was complete neglect of the issues at Cornton Vale, and such a turnaround in SPS's thinking is vital if we are to make these changes.

With regard to the detail, I am interested to know how far the planning of HMP Inverclyde had gone, how possible it will be to make the changes necessary for a women's prison, and what the costs of all that will be. I would also like to know the cost of the visitor centre at Cornton Vale as it stands at the moment. I know that a lot of voluntary money is being put into it, but will the gap be filled and will we have a visitor centre at Cornton Vale in the very near future?

**Colin McConnell:** I can respond to the broad question and Kate Donegan can talk about the detail.

HMP Inverclyde had not gone beyond the basic planning phase. That is not unusual because SPS has become pretty good at building prisons—particularly prisons for men, which have primarily been its business. A lot of lessons have been learned and some of the fundamental planning for Inverclyde was off-the-shelf stuff. Of course, there were good reasons for that, to do with unit cost constraints and so on.

We already have a footprint. We know where the prison is going to be, and the land and building permissions have already been secured. Although additional costs will be incurred in stopping the planning process and drawing things on a piece of paper in the way architects do, they will be minimal in the scheme of things. I have not brought the detail with me, but I can provide it in writing to the committee if it so wishes.

I certainly assure the committee that, although I stopped the planning process for the male prison at Inverclyde to give us a breathing space for the consultation, it has not cost us with regard to the ultimate delivery timescale for Inverclyde. We are still confident that we can commission, design and build Inverclyde by the end of 2016, which is still within the timescale that we would have been considering for the male prison.

12:45

The costs for Inverclyde, which I have shared with the committee, will be somewhere between £70 million and £80 million. We would have been bidding for that funding stream in the next budget round, regardless of what has happened. We will not shy away from asking for additional resources, even in this difficult economic environment, if we think that in doing so we can give women in custody—and therefore the Scottish community—payback on those resources in the years to come.

**Alison McInnes:** Anne Pinkman talked about perverse incentives. HMP Inverclyde was supposed to cater for 300 prisoners. I hope that we will not need to cater for so many women prisoners. How many prisoners are you planning for?

**Colin McConnell:** I do not want to be controversial, but I must be practical, in that we must run a service that is capable of servicing the courts. Inverclyde will have to be capable of managing a population of women prisoners of around 300, simply because we currently have somewhere between 430 and 480 women in custody and we must build capacity that can address that level of population.

I hope that in future, as wider justice policies are brought to bear, we will be able to look again at how we use custodial facilities differentially around the country. However, we must plan to build a replacement for Cornton Vale that can manage a women's population of around 300.

**Alison McInnes:** Dame Elish Angiolini's commission envisaged a small specialist prison, which would be a national resource and would deal only with long-term and dangerous offenders. It sounds as if what is happening is slightly adrift from what Dame Elish suggested.

**Colin McConnell:** It is, to a degree. What I put to the cabinet secretary is based on the experience of running prisons and a prison service. We have had to think about how best to deliver Dame Elish's recommendations, in spirit and actualité. The hub-and-spokes proposals are very much in keeping with Dame Elish's recommendations. We must run an efficient, effective and affordable service in future and, although our proposals might not meet the fine detail of what Dame Elish wants, I think that they meet her recommendations in the broad sense.

**The Convener:** I know that Alison McInnes wants to get into the detail of all that, but we must keep to the subject of the budget. The cabinet secretary will answer questions about how we deal with the range of women offenders.

**Alison McInnes:** Okay, sorry. I also asked about the budget position in relation to the visitor centre.

**The Convener:** Right. After this, I will bring in Graeme Pearson and John Finnie, and I hope—fatal words—that that will be the final question, or we will run past 1 o'clock.

**Kate Donegan:** The Robertson Trust is funding a person to work in the visitor centre, and SPS will fund staff for the centre. We hope to make the centre a community hub as well as a visitor centre. It is a building outside Cornton Vale, which used to be the staff restaurant. It is a lovely building and it is ideal for the purpose. The chief executive has made money available for the refurbishing. We have started on the roof—I think that the work finishes today, which shows how quickly things are moving.

The funding is there, the staff are there, and there is collaboration with the local community. The local interfaith community worked with the CJA and others to get things moving, and things are moving fast.

**The Convener:** There we are. Perhaps Graeme Pearson can move fast, too.

**Graeme Pearson:** I will move very quickly to ask about three separate issues.

First, let me say to Mr McConnell that I think that your approach is bold. One often hears such words used in Government and a look at the detail often leaves one disappointed, but I think that you have taken a very bold step here—one in which I do not find much to argue about. In budgetary terms, however, there must have been a strategic reason for the original HMP Inverclyde. Looking back at that business case and the community that it was designed to service, who lost and what are you going to do about that?

**Colin McConnell:** Inverclyde was actually designed as a replacement for Greenock. In terms of the quid pro quo, Greenock will continue to run for a time yet, so in a sense—

**Graeme Pearson:** So the life of Greenock will be extended.

**Colin McConnell:** Yes. Greenock is actually in reasonable nick, if you do not mind the pun—

**The Convener:** You are going to regret that.

**Graeme Pearson:** No, that was good.

**Colin McConnell:** I had better check my notes again.

Greenock is in reasonably good condition. From talking to the governor and other senior staff, I think that it is reasonable—and reasonable value

to the public purse—that we extend the life of Greenock, so in a sense there are no losses there.

I see where you are going with the question, Mr Pearson, so let me say that, in essence, we are creating a new facility for women who pass into our care in SPS. We do not envisage parallel running in the long term between Cornton Vale and Inverclyde, so there is a relationship between the running cost of one and the running cost of the other. The one would cover the other.

**Graeme Pearson:** I have a second question about budgets. Mention was made earlier about well-established systems, collaborative working and the skills of prison officers that might not otherwise be used to their full extent. Certainly my experience from speaking to male and female prisoners is that some very basic services—not intellectually challenging things—are often missing, such as the provision of a house at the time of release, the connection between the health service in the prison and that external to the prison, and the connection with the benefits system.

Although we have the well-established systems and collaborative working that John Finnie touched on earlier, it seems to me that the key is the authority to shift budgets between the kingdoms. Is there any sense that such a shift will be achieved in the foreseeable future? On top of all this wellbeing, good nature and bonhomie, can we actually begin to shift money into things that work? Will services let that money go?

**Colin McConnell:** That is a rifle-shot approach in the sense that you have gone right to one of the core issues. As chief executive of the SPS, I may find it tempting to say, “That money is mine and you cannot touch it”, but, as has already been commented on, I think that other senior leaders are beginning to take a different approach—just as I am—which is to say, “That money has been allocated to run services as they currently are, but those services are not set in stone.” Together, we need to re-envisage how those services might be delivered in the future. As chief executive of the SPS, I am saying, “That is what that money does now, but it does not always have to do that.”

My point about our skilled prison officers is that around 70 to 72 per cent of the SPS’s resources buys people, but that buys a range of skills, capacities and abilities. A challenge to us all is to imagine how those skills and abilities might be more applied across the system in a way that has more impact. I would say that, yes, we can get access to those resources and that money in a different way.

**Graeme Pearson:** Do other panel members want to comment?

**Sean McKendrick:** A rifle-shot approach was an excellent description, as I think that the issue is really how we pool budgets across an ever decreasing budget framework. I do not want to repeat the message about the need for a much more collaborative approach, which the Government is looking for, but it is very difficult and challenging. Indeed, the example that we have just heard that the prison may well be used to its maximum capacity of 300—which would not move away from the commission’s observation that many women in prison are there for low-level offences—is a demonstration of the challenge in how we pool our understanding and adopt a more collaborative approach to implement policy that has best effect and is based on the best evidence.

**Graeme Pearson:** I am sorry to interrupt, but let me come back with a very simple example that was given to us during one of our visits. On this occasion, it was given by a man, but the issue could apply to women prisoners, too.

On being released from prison, one former prisoner was offered a sleeping bag on the floor of a homeless persons unit for three nights. That just seems completely unacceptable. It would be unsurprising if that individual spun back into prison within the week. We do not need a multimillion pound system to deliver that; it just takes banging heads together. His release date was no surprise—it was on the calendar for some months—yet the reaction seems to have been, “Where did that come from?”

The lack of such collaborative working, which seems simple but elusive, is perhaps reflected in the frustration of the convener, who has been hearing about the issue for far too many years. I hear what Mr McConnell says and it sounds like an opportunity, but we now need to deliver on that with real commitment rather than just words.

**Anne Pinkman:** You are absolutely right to highlight housing, which has been an issue for ever. We can arrange the most sophisticated release packages for individuals coming out of prison, but without accommodation we will have built a house of cards. If I have said that once over the years, I have said it a thousand times.

As CJAs, we work with local authorities, but there are 32 different local authorities and therefore 32 different local authority housing services. We have introduced—Elish Angiolini commented very favourably on this in her report—various housing protocols, which are now being established within the CJA areas, whereby prisons work with housing services. Information is now shared in much more detail than was ever the case previously. Housing services now know when individuals go into prison and when they are due for release. That allows them to plan, which is a win-win for them. If the housing service does not

know that an individual has gone into custody, the person may accrue rent arrears and the house may be abandoned, used for parties or whatever. Housing authorities are now more able to secure those tenancies.

In my local area, the Fife housing service now has a managed offenders team, which has an officer who regularly goes into Glenochil, Perth and Edinburgh prisons to see all the prisoners from the area who are willing to be seen to address their housing needs. There is a shortage of housing, but at least the housing service is starting the ball rolling. It is preventing individuals from accruing rent arrears on admission to prison and making the plans it can to address prisoners' housing needs on their release. I am not aware of the awful arrangements that you have just outlined ever happening in Fife.

It is a challenge, but things are improving. For example, we have recently established a housing officer post in Cornton Vale. One challenge is that many prisons are national prisons, so the housing officer has to try to make arrangements for the women or men in every local authority area in Scotland. We now have a housing post in Cornton Vale to address the housing needs of women on admission and on release from prison. That will not be a magic wand, but it is very much a step in the right direction.

**The Convener:** We must move on after Graeme Pearson's final question.

**Graeme Pearson:** That is it.

**The Convener:** Was that all the questions? Heavens, that did not take as long as I thought it would.

That is us. I thank all members of the panel for their evidence. In the dying minutes, is there anything that anyone on the panel thinks that we ought to have asked about the budget? We can discuss the question of how we deal with women offenders on another occasion. If there is nothing else, that is excellent. Thank you very much for your attendance.

As agreed, we now move into private session.

12:59

*Meeting continued in private until 13:03.*



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e-format first available  
ISBN 978-1-4061-9829-4

Revised e-format available  
ISBN 978-1-4061-9845-4

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Printed in Scotland by APS Group Scotland

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