



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Wednesday 30 October 2013

Wednesday 30 October 2013

CONTENTS

DRAFT BUDGET SCRUTINY 2014-15	Col. 3469
--	----------------------

JUSTICE COMMITTEE
29th Meeting 2013, Session 4

CONVENER

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

DEPUTY CONVENER

*Elaine Murray (Dumfriesshire) (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)

*Margaret Mitchell (Central Scotland) (Con)

*John Pentland (Motherwell and Wishaw) (Lab)

*Sandra White (Glasgow Kelvin) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Tom Halpin (Sacro)

Colin McConnell (Scottish Prison Service)

Sean McKendrick (Association of Directors of Social Work)

Councillor Peter McNamara (Community Justice Authority Conveners Group)

David Strang (Her Majesty's Chief Inspector of Prisons for Scotland)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

The Chamber

Scottish Parliament

Justice Committee

Wednesday 30 October 2013

[The Convener *opened the meeting at 10:00*]

Draft Budget Scrutiny 2014-15

The Convener (Christine Grahame): Good morning. Welcome to the 29th meeting of the Justice Committee in 2013 in this very echoey auditorium—with a huge attendant public, I see.

Please switch off mobile phones and other electronic devices completely as they interfere with the broadcasting system even when switched to silent. Apologies have been received from Alison McInnes.

This is our second meeting this week on the Scottish Government's draft budget 2014-15. We are due to hear from one panel of witnesses today on prisons and alternatives to custody.

I welcome to the meeting: Colin McConnell, chief executive, Scottish Prison Service; David Strang, HM Chief Inspector of Prisons for Scotland; Tom Halpin, chief executive of Sacro; Councillor Peter McNamara, chair of the community justice authority conveners group; and Sean McKendrick, vice-chair of the criminal justice standing committee of the Association of Directors of Social Work.

Thank you for your written submissions. I remind members that we will have a dedicated panel on women offenders next week, so it might be the best use of our time today if we concentrate mainly on male offenders and more general issues.

I will read out what the clerks have written for me to say next because I think that it is disgraceful.

"I should say at this point that my sightlines are not as good here in the debating chamber as in the committee rooms, so I impress on members and witnesses to step up their efforts to try to catch my eye when they wish to ask or answer a question. Microphones are being operated by broadcasting so there is no need for members' cards or pressing switches"—

nor indeed for jumping up and down and waving your arms. I added that last bit myself.

Thank you all for your written submissions. If you catch my eye I will bring you in. If a question from a member is directed at an individual witness, that witness will answer the question. If other panellists wish to come in with a response to the same question, just indicate to me and I will call you, but do not feel obliged to do so.

The same thing goes for members—you will need to catch my eye.

John Finnie (Highlands and Islands) (Ind): My question is for Mr Halpin, but I welcome comments from the other panel members. [Interruption.] I beg your pardon, my microphone was not on.

Thank you for your submission, Mr Halpin. We hear a lot about preventative spend and, in your submission, you talk about the operation of the bail and arrest referral scheme, which would seem to absolutely fit the bill.

You describe the experience as a bit patchy. Can you expand on that and could the other panel members comment on what benefits they would see from that scheme?

The Convener: Your microphone will come on automatically, Mr Halpin.

Tom Halpin (Sacro): Thank you. We provide services across the whole of Scotland—it is a feature of Sacro that it is a pan-Scotland organisation—but we provide the type of service that you mention only in some areas, which reflects the commissioning practice that we see across Scotland.

We know that where the service is co-produced between us and our partners in the local authorities and the community justice authorities it engages people in a way that can be inspiring in terms of change. I need to be really clear here. Although we are talking about people who are in that stage of a chaotic lifestyle at which there is churn, they are not necessarily the group who are at high risk of very serious offending, although they are a big chunk of the population.

I will give an example to evidence how effective the scheme can be. We operate an arrest referral scheme working with the alcohol and drug partnership and the community justice authority in Lanarkshire. We are working with men whose alcohol-related behaviour is a significant influence on why they are being prosecuted. At that stage, it is about voluntary engagement with us: the men have to want to participate.

When we worked with the men simply in the community—not joined up with the prison service—our success rate of getting engagement was lower than when we worked together with the prison service and spoke to the men in the cells at court and in prison and when they were on remand. When we worked with the prison service, voluntary engagement shot up. About 25 per cent of the men we were engaging with were voluntarily tackling the issues that they had with alcohol. That is a practical example of how that service can reach that group.

The Convener: Let us address funding. We know about churn and we know that many interventions work, but our prison population keeps rising. I have been a member of this Parliament for 14 years and I remember that at one point a prison population of 4,000 was thought to be bad. What is not being done in the budget in relation to funding and resources for interventions that divert people from going back through the system? That is what the committee wants to hear from all our panellists.

Tom Halpin: I understand that.

John Finnie: It is helpful to have the background that Mr Halpin has given us. Does what he described include bail supervision?

Tom Halpin: We have significant services in bail supervision, particularly in south-west Scotland, where we work with the authorities to manage compliance with bail terms, while tackling underlying needs.

John Finnie: As interesting as it would be to expand on such issues, we are here to consider the budget, as the convener said. Has someone done a cost-benefit analysis of keeping someone out of prison? I understand that people can retain their employment if they are under a certain level of supervision, on occasions.

Tom Halpin: At the simplest level, we know the cost of keeping someone in prison for a year, and I know the cost of our services. The two do not bear comparison. I do not have the figures with me, but typically it costs £1,500 to £1,800 to have a person work with us for a year, compared with £32,000 to keep them in jail for the year, albeit that we might not be talking about exactly the same period.

John Finnie: Has there been a budgetary shift to reflect those good results?

Tom Halpin: We believe that there is a good intention to improve the ability of community justice authorities and local authorities to vire money between non-core and core spending. Given the reality that we see up and down the country as demands increase in relation to statutory obligations, we suspect that there is some virement from non-core into core, which means that community interventions are under real pressure. I know from colleagues in other third-sector organisations that services have been reduced or taken in house.

We reshape all the time. We understand the need to make the service fit the available money and the need to use the money most effectively. However, the area needs to be scoped. That is an issue that I wanted to raise with you today.

The Convener: Mr McKendrick, I think that you want to come in.

Sean McKendrick (Association of Directors of Social Work): I do, thank you. Mr Finnie asked about the spend to save initiative. We reviewed the persistent offender project in Glasgow, which was not exclusively about bail but covered early intervention and maintaining individuals in communities. The service addressed issues to do with frequency of offending and significant savings were evidenced in the cost-benefit analysis. The figures are available on the Scottish Government's website and I will be happy to provide the report if you require it.

The Convener: Will you name the report, so that we can locate it?

Sean McKendrick: It was the cost evaluation for the persistent offender project in Glasgow City Council.

The 2011-12 statistics that the Scottish Government published show that bail supervision has increased by 10 per cent. There is a willingness to use the mechanism, to ensure that people are properly supervised in communities.

You will know that a stand-still budget has been allotted to criminal justice social work, with a real-terms reduction of 1.8 per cent. Given the cost-benefit analysis and what we know works to reduce reoffending, it is significant that we face a reduction in cash that would facilitate such activity.

John Finnie: Will you explain how the commissioning process works? For example, how would Mr Halpin's organisation be taken on board? Do local authorities and criminal justice authorities do that in conjunction, or does everyone do their own thing?

Sean McKendrick: Mr Halpin talked about core and non-core funding in the budget in relation to the issue. Each community justice authority will have a non-core element, so that it can divert moneys and commission services to deal with particular issues. There is a degree of flexibility.

John Finnie: Should that be a core service, perhaps?

Sean McKendrick: Each local authority and CJA will operate a form of bail supervision. The issue that Mr Halpin raises is to do with the amount of resource that is available on a consistent basis relative to need across the country. That point about consistency is very valid.

The Convener: Mr McNamara, do you want to come in?

Councillor Peter McNamara (Community Justice Authority Conveners Group): Yes. I am trying to get my head round the point about commissioning. As far as I am aware, CJAs are fairly restricted in commissioning. We have the section 27 budget, which comes through the

community justice authorities and which supports the core element of criminal justice. That is predominantly what we do. There is little flexibility in that budget, because it is predominantly about the core criminal justice activities in local authorities.

On the saving to communities that can be had from diverting people away from prison and not locking them up, we are certainly very much in favour of community payback and we have been working with it over the past couple of years, extremely successfully. My experience in my area is, for example, young people helping to put down a new floor in a local bowling club. The most important part of that was not about the young people; it was about the community understanding that those young people were doing something constructive in their community rather than being locked up at a cost to the public purse.

There is a saving from that, although I cannot quantify it yet. To be perfectly honest, our sentencers do not yet have the confidence to take that approach as much as they should do. That is another problem that we have. We have engaged with the judiciary and tried to encourage them to use alternatives to prison in a much more positive way. I could give many examples of good practice in the area—if you want, I could certainly furnish that for you. If we encourage sentencers to use diversions away from prison, that would certainly save the public purse a considerable amount of money.

The Convener: How have you engaged with the judiciary? What form did that take? Was it informally or in some kind of formal structure?

Councillor McNamara: I can give an example. We invited a sheriff along to a meeting in the Park Hotel in Kilmarnock. For the first time, a sheriff came along and listened and spoke to 80-odd social workers. Previously, criminal justice social workers never engaged with the judiciary and nor did the judiciary engage with them in a formal or informal setting. I found that meeting to be extremely informative, as did the sheriff. Obviously, the sheriff went away to inform their colleagues about our work. That involved people from right across Scotland.

We have talked about things being patchy, and I have to say that engagement with the judiciary is rather patchy across Scotland. Some younger sheriffs are keen to be involved in alternatives to prison, but others are not so keen. I would welcome further engagement with the judiciary to encourage them to use alternatives to prison, as that would certainly make a great saving to the public purse. It is about building up the judiciary's confidence that the alternatives actually work. As I said, we could give the committee loads of evidence on that.

The Convener: The committee might find that useful. Obviously, we can write to the Sheriffs Association and ask it to comment on those remarks about the interaction and the fact that it is not just patchy but apparently rare. We will have to do that fairly quickly, because we have a short timescale. If you want to send examples, that is fine, but it would be useful for us to raise your general point with the sheriffs.

We will move on.

John Pentland (Motherwell and Wishaw (Lab): My question is for Mr McConnell and anyone else who wants to add a supplementary answer. The Scottish Prison Service budget for current expenditure on prisons has increased by 8 per cent, which is claimed to reflect additional costs relating to prisoner numbers as well as rising operational costs. Evidence before the committee states that the average prison population in 2012-13 was lower than in 2011-12—it was 8,014 compared with 8,178. Is it anticipated that the prison population will rise again? If so, what will it rise to and what are the factors affecting that?

10:15

Colin McConnell (Scottish Prison Service): Your question contains a number of questions, so I will start at the end of it and work my way back. If I miss anything, please let me know.

The Scottish Government's projections for prison numbers are a matter of public record and, as they are, are fairly worrying in that we expect the prison population to increase over time. Although our allocated budget addresses needs in the short to medium term, a significant challenge for the Government is to find ways of best balancing spends across the economy in light of projections based, of course, on historical factors that suggest that the prison population will inexorably increase over time.

As for the money that is currently allocated to the service, we should not feel bad or embarrassed that the Government wants to resource appropriately a critical public and criminal justice service, namely the Scottish Prison Service. I recently attended a conference at which David Strang, our chief inspector of prisons, was speaking. If he does not mind me saying, he quoted Dostoyevsky to the effect that—

The Convener: Oh dear. I wonder where we are going with this.

Colin McConnell: Dostoyevsky said that if you want to take a measure of your society and its responsiveness you should go and look at its prisons, and Scotland should rightly be confident that the Government is, in my view, appropriately investing in the quality and responsiveness of its

custodial service. I am a wee bit concerned that the apparent increase in the non-capital resourcing of the Scottish Prison Service implies some largesse in that respect. Of course, that is not the case. Like any other public organisation, the service gets its money through resource proposals within the budget cycle; in other words, this is money that the service anticipated because it predominantly ties in with its development. This is not extra money that has been chucked at the service; instead, it is planned investment and resource over time.

We are trying to build a service that is appropriate to meet the challenges that it faces. Indeed, there might be an opportunity in response to this question or others to talk about where the Scottish Prison Service is going, how it will use those resources in future and how it might change over the coming years. I will say, however, that if you compare the SPS's costs with those in other United Kingdom jurisdictions you will find that we are as efficient as our near neighbours, even with the enormous economies of scale enjoyed by, say, the National Offender Management Service. Notwithstanding the pressures that it is under, the Scottish Prison Service gives you really good value for money in comparative terms.

John Pentland: What do you think the prison population will rise to? I know that back in 2008 the Scottish prisons commission said that it would like the average daily population to be 5,000. Is that figure possible or is it simply a figment of someone's imagination?

Colin McConnell: A custodial population of 5,000 is an aspiration based on a number of factors that emerged in the McLeish commission report. Ideally, and for a whole number of not just economic reasons, we as a country would want to have the minimum number of people possible held in our prisons. The Cabinet Secretary for Justice has made it clear, however, that those who need to be in prison must be in prison, so we have to have sufficient places in the system to accommodate that.

It is always useful to keep it fresh in our minds that custody is at the end of a long journey and process, whereby we simply have to take those who are committed to us by the court, either on remand or subsequently as convicted, and do our very best in connection with our other partners, be they within the justice system or the community, voluntary and not-for-profit sectors.

You asked specifically about projections for the custodial population. They are not our figures, but Scottish Government figures. Population projections suggest that over the coming years we could see a prison population of around 8,500. I want to clarify that that is a whole population.

In some ways that is worst-case scenario planning, but we also have HDC. I will clarify that figure. The figures that you gave were, in a sense, for the whole population—

The Convener: Will you explain what HDC is?

Colin McConnell: HDC is home detention curfew.

The figures take into account those who have been sent by the courts to prison, but a proportion of those who are sent to prison are released on home detention curfew and at any time that figure is around 400. You could anticipate that the figures that John Pentland gave would be decremented by the 400 or so who would be in the community.

However, you have my assurance that, in terms of our plans for the service, we expect to have sufficient operational flexibility to accommodate the sorts of figures that we anticipate.

David Strang (Her Majesty's Chief Inspector of Prisons for Scotland): Perhaps I can make a comment, as a member of the Scottish Prisons Commission that produced the report, "Scotland's Choice". The report said that we make a choice about how many people we send to prison and that although the 5,000 figure is not implementable immediately, if measures were put in place to deal with offenders who have not committed serious offences and who are not a danger to the public, we could get back to the numbers that Scotland had 20 years or so ago.

I welcome the measures—bail support and so on—that will lead to fewer people being in prison. The rise in the prison population is partly to do with the number of prisoners on remand. They could be dealt with more effectively—they ought not to be in prison because they are not there for punishment. The question is whether there are other ways of reducing offending and securing the attendance in court of those people.

From a prisons inspectorate point of view, we are interested in the size of the prison population because the higher the prison population, the more difficult it is for the Prison Service to work constructively with prisoners to address their reoffending. There is a direct link between the size of the prison population and the outcomes of a prison sentence.

The Convener: Are there ways of reducing the numbers of prisoners on remand and if so, why are we not using them?

David Strang: You have heard this morning about support in the community and centres of other sorts, where people can be supported instead of being sent to prison.

The Convener: Perhaps Tom Halpin can answer that and tell us about costs, because it seems that that might be a way to make a cost saving, as well as being a way to reduce pressure that is caused by prison populations.

Tom Halpin: That links directly to the point that I wish to make. The projections of numbers, which have a real impact on budgets and what resource is available, are correct if we do what we have always done. We know, for instance, that there has been a significant increase in remand prisoners in the prison population in the past 10 years. I can get the figures for the committee later, but we know that a great deal of that—

The Convener: Perhaps Mr McConnell can give us some figures.

Colin McConnell: Yes. It is currently—

The Convener: Can we have the microphone on, please?

Colin McConnell: Is it working?

The Convener: If the wee red light is on, the microphone is working. If the wee red light is not on, it is not. Can we have the microphone on, please?

Colin McConnell: I can just speak up.

The Convener: No. We need to hear you for the *Official Report*.

Colin McConnell: Okay. Here we go.

The figures that I have for the committee today show that approximately 1,214 people are in our custody on remand, which is about 16 per cent of the overall prison population. Although that number is not insignificant in terms of effort and response, we need to view it in the context of what we are trying to get from the system overall.

The Convener: I just thought that the information might be helpful to us.

Tom Halpin: It is. We know that a large percentage of that group do not go on to custodial sentences. The question is about what is the alternative to remand if the sheriff on the bench is seeing a person coming back before them. Alternatives such as intensive support in supported accommodation, bail supervision and so on are real opportunities in tackling the issues that underlie the offending behaviour that brings such people there in the first place.

My question is this: are you resourcing demand or resourcing to reduce demand? Resourcing to reduce demand represents a fundamental shift. In my experience, the whole conversation around the criminal justice system is taking place with people who are already in the system. The discussion should be much wider because we require really

integrated services, including housing, health and all the other services that are involved in tackling the issues.

The Convener: Mr McKendrick can go next, and then Mr McNamara will respond on—I think—the same issue.

Sean McKendrick: I assume that we will be talking about the same issue. A number of factors influence the prison population, one of which is the resourcing that is provided in communities. I have already made that point with regard to the budget reduction. It is significant that we are beginning to address tackling the numbers, but are reducing the availability of community supports. That is the first matter to consider.

The second issue concerns how organisations collaboratively spend the available money. Mr Halpin referred to offenders' circumstances. We know that the majority of those who are remanded will be involved with mental health services and will have significant addiction-related issues and accommodation issues, and we know that those issues are more prevalent among the population of women prisoners.

My question is this: how are we resourcing the collaborative spend around those issues and themes? If we are able to spend money more effectively and to maintain the previous level of funding, we are more likely to make a positive impact on the numbers of people who are either serving short sentences or are on remand, and on the quality of supervision post release for those who are serving long-term sentences.

There is an issue with budget availability, and another issue with collaborative spend and how we are able to influence partners in how they apportion money to vulnerable groups of individuals who will be well represented in the health service through addiction services and mental health services. There are a number of challenges in terms of sustaining funding and the effectiveness of spending, as well as in how we influence others' spending in this arena.

The Convener: How would you influence others' spending? Various areas—social work, health and education—have their pots of money and do not like to share.

Sean McKendrick: In a recent speech, the president of the ADSW observed that, as we are coming into difficult times, the need for sharing money and budgets will become all the more acute. That is not necessarily a direct answer to your question, but an observation. If it is to be a means by which we can influence numbers of prisoners, there is also a significant challenge to be faced in how we collaborate and influence partners' spend. That is becoming more and more difficult, given the public sector spending

challenges. It remains a significant challenge for us, but it is the key to ensuring that we at least make an impact on the prison numbers with which we are currently dealing.

The Convener: That is a cue for Mr McNamara, is it not, with regard to community justice authorities?

Councillor McNamara: Yes, indeed. I think I know what Mr McKendrick was talking about.

10:30

The Convener: Are you going to name names?

Councillor McNamara: From my perspective, partnership working in all the agencies that we are talking about—voluntary and statutory—can have a significant impact on prison numbers. The questions are really these. What do we do with the prisoner when he or she is in prison? What do we do when they come out of prison? What do we do to prevent people from being in the judicial system in the first place? It is all about early intervention, the McLeish report and all of that.

Right across Scotland, community justice authorities have certainly been successful, probably for the first time, in bringing together the statutory partners and the voluntary sector, and in bringing all of their influence and skills to bear on an issue. In the reoffending figures that were announced about a fortnight ago, for example, we see an overall reduction of 4 per cent in reoffending across Scotland; I am proud to say that the reduction in south-west Scotland was 4.5 per cent. If you asked the polis what that was about, they would say, "Well, it's because we've got 1,000 more police." If you asked somebody in the voluntary sector, they would say, "Actually, it's because we engage with people before they go into prison and when they come out of it." The housing department will say that it has been able to house people, or others will say that it is about what they do in terms of employment or addiction. All the partners coming together has a direct bearing on funding.

To be perfectly honest, we would all like more money but, in my experience, if we use the resource that we have better, we can exert significant influence. However, that needs partnership working.

I am sad that there is a review of community justice, because it will be rejigged just as we are starting to get to the nub of the problem—in fact, I have been led to believe that it might go back into community planning partnerships, of which there will be 32 across Scotland. How in the name of goodness will I ever get everybody round the table when there are 32 different organisations? That is

a real worry for me, because we are just starting to reap the fruits of our labour, and it is about to stop.

The Convener: The deputy convener has a supplementary question on that very point.

Elaine Murray (Dumfriesshire) (Lab): There are two issues. You talked about how CJAs have managed to bring people together from different support agencies. Has that already resulted in improvements in funding for services? Do you see the money following the partnerships?

Councillor McNamara: Indeed; that has certainly been the case in south-west Scotland. Members will be aware that the three Ayrshire councils and Dumfries and Galloway Council are in that area. Sadly, there is a significant problem in my area in relation to addictions. We were able to shift resources from both East Ayrshire Council and South Ayrshire Council to North Ayrshire Council to address that issue. By the same token, if there was an issue in Dumfries and Galloway Council, we would be able to shift small amounts of money, but not significant amounts, because the vast majority goes into the core funding for criminal justice social work. Even then, when criminal justice social work comes together throughout the three Ayrshires and Dumfries and Galloway, we are able to tackle problems and share good experience and good practice. That was never done in the past, and there has been a significant saving to the public purse.

Elaine Murray: The Government has set a consultation. You would argue that enhancing the CJA model is preferable to a local authority-based model or a single-service model.

Councillor McNamara: I would go for an enhanced CJA model—that would be my ideal situation.

There were not problems with CJAs, but there were certainly issues relating to procurement, and we had to tackle other issues. I went to the Public Audit Committee. The Audit Scotland report gave us a boost, but it also told us where we have been going wrong. I believe that we could have changed CJAs in order to continue our work with the changes without having a rejig across the whole of Scotland. We have eight CJAs, and they have had a significant impact on reoffending, but we are stopping them just as they are starting to bear fruit, and we will instead put community justice in local authorities. A fight is going on between Parliament and the local authorities. I wish that they would just knock heads together and say, "Could we continue with CJAs with enhanced powers, but with some sort of overriding body that gives direction?" There is no doubt that oversight is needed in order to make the approach work better.

The Convener: I will stop that discussion, although it was important that we raised the issue, because I think that you will come to us at some point to discuss proposals for CJAs. You have put down your marker. I was most impressed by the Lothian CJA that I went to—I think Colin McConnell was there, as well—and by how it was getting its act together, if I may put things in broad terms.

Roderick Campbell (North East Fife) (SNP): Good morning, gentlemen. In its submission, Sacro says that although there were

“15,000 receptions into custody ... in 2011-12 ... only 2428 individuals received voluntary throughcare.”

On the other hand, the Scottish Prison Service's submission refers to the initiative at Greenock prison, which seems to be funded by the reducing reoffending change fund, and the

“Public Social Partnership initiative at ... Low Moss”.

Does the budget contain provision to extend voluntary throughcare? Does anyone wish to comment on that?

The Convener: Two people have risen to the challenge. I will take Mr McConnell first and then Mr McNamara.

Colin McConnell: I think that the system as a whole and my organisation in particular are adequately resourced to meet the vast majority of the challenges that we are discussing. Why is that the case? I think that we tend to fret too much about resources that are allocated to a particular locus, and there is the potential to think far too much in silos.

The examples that you have highlighted of the PSP at Low Moss and our internal initiative at Greenock—which also ties in with initiatives that are being funded through the change fund—are beginning to give us a view on our capacity to make improvements and changes without having some grand overarching initiative.

This is just about the sectors—the public sector, in my case, and the voluntary sector and other statutory sectors—grasping the challenge of the reality that there are sufficient resources in the system. Those resources might be bunched up in particular locations but—to come back to the challenge that my colleagues here have raised—I think that we should stand back, view ourselves as the overall service provision and worry through how we can make those resources work more effectively for the benefit of most people. The initiatives that you mentioned at Low Moss and Greenock and the initiatives that we have introduced at Cornton Vale and HMP Edinburgh have been generated internally simply by our coming together and recognising that there is a common challenge.

I think that there are sufficient resources in the Prison Service and elsewhere; we do not need any more, but what we have needs to be used smartly. If we do that, we can really get the traction that you and other parliamentarians are looking for.

The Convener: Can you develop what you mean when you say that resources need to be “used smartly” by giving us examples of what is not being done?

Colin McConnell: As I have said in a number of speeches—and as will be flushed out in our organisational review report, which will, as I have said in my submission, be published on 18 November—we need to look less at what we do in individual sectors and much more at what we can do by joining together.

This morning we are discussing where resources are located and we are, understandably, worrying through the amount of resource that is invested in the Prison Service. There are, of course, reasons for that, but I have to say that it is not necessarily about moving the money around. Resources buy talents, skills and opportunities; the issue is where the talents and skills are applied and what opportunities are seized. We are now exploring opportunities to use those skills, those talents and those resources—in other words, people—more widely, particularly in the community, and to move them out of prisons in order to support offenders either in the community or in prison, who are on that journey. We need to join up throughcare.

As I have said, we do not need really grand initiatives to do this; we just need to take agency and move things forward ourselves.

The Convener: I am sorry to push you again, but what do you mean by the skills, talents and resources that need to be moved out into the community?

Colin McConnell: I am talking about people—our staff, our workforce and our relationships.

The Convener: You are talking about prison officers working outside prison walls.

Colin McConnell: Yes, and I am talking about colleagues in the community working more in prisons. That involves joining up throughcare and making it more impactful, so that rehabilitation is more acute and resettlement works better.

The Convener: I am trying to flush out information. What would the prison officers do outside prison walls? Will you paint a picture of your vision?

Colin McConnell: Mr Campbell mentioned examples at Low Moss and at Greenock. The prison officer role is developing more into support

and advocacy and into the officer being available when acute moments are reached in the first three, four, five or six weeks after a person has returned to the community. That is not and can never be in place of the other services, because some professions and specialisms are absolutely necessary, but it helps the system to work and it helps people to come together in giving the human support and encouragement that ensure that resettlement has the best opportunity to work.

The Convener: Mr Halpin wants to comment and I would like him to do so. We seem to be talking about what a prisoner once called the “porous walls” of prison, if I remember the expression correctly.

Tom Halpin: I will bring that into my comments. The record will show that I have previously raised with the committee the inconsistency in availability of throughcare. Since then, throughcare has undoubtedly gone up the agenda. I really welcome the distinct workstream on throughcare, although the third sector could be more involved in its design.

As a consequence, initiatives are appearing in various areas, and organisations are bringing resources to the table, which is welcome. The throughcare service at Low Moss has been developed as a public-social partnership. Glasgow City Council has contracted Sacro to deliver throughcare services in its area and we also do that in the Lothians and the Borders, but we are not contracted in other areas. That is a symptom of the inconsistency.

The public-social partnership model is giving us great learning through collaborative working. The benefit is greater than the sum of the parts. Going into such partnership means that organisations give up an awful lot of their positional power. We put in intellectual property and resource; many benefits in kind come from the third sector in relation to design of services.

The Low Moss service, the women’s mentoring service, the prolific young male offenders service and other services are in year 1. It takes time to get the money in, and it takes six months to get something up and running, by which time we are into year 2. In year 2, we start to get the evidence that is needed to sustain services.

We in the third sector have no year 3 at the moment—we are waiting to see what will happen. Short-term funding is a feature that has been consistently brought up previously. We have two years of working that enables us to evidence measures and take them forward, so we can make really informed decisions. There has been a big investment to get us there.

Mr McConnell made a point about Scottish Prison Service staff working outwith prison walls,

which is to be welcomed, because it supports third sector and statutory sector organisations that work within prison walls. The key point is that services should be integrated. There is no way that prison officers can meet all the demand in the community, but if an officer has a service user’s trust up to a point, when the service user walks out of the door, we do not want them to have to build relationships again; they might feel that they could have a confidential conversation with the person that they spent time with behind the prison walls, and perhaps that relationship could carry on. It relates to integration of services.

In relation to the budget, we need realistic timescales that allow us to provide evidence of what works.

The Convener: In my 14 years as an MSP—I think that the deputy convener agrees with me—we have heard the plea for three-year funding over and over again. I endorse that plea for when an initiative is shown to work, because stability is needed in organisations. You have my sympathies—I am just telling you that we have been hearing that point being made for a long time and that we probably agree with you.

10:45

Councillor McNamara: I endorse everything that Tom Halpin said, which is crucial when we talk about budgets. The public-social partnership that we put together with Sacro, on which Sacro is now leading, has done fantastic work in mentoring young women.

The convener asked what was meant by acting “smartly”. One aspect is getting evidence of the work that is done as part of the mentoring scheme, and it would be acting smartly to say to the Government that we need to get that evidence. However, we should not provide funding for just two years, as that is ludicrous. To have an impact, it is necessary to give people long-term sustainability. I wholly endorse what Tom Halpin said.

Roderick Campbell: I would like to move on to the issue of purposeful activity, on which the committee produced a report.

Mr Strang’s predecessor endorsed the recommendation that the Scottish Prison Service should deliver a strategy on purposeful activity; I invite Mr Strang to comment on that. The SPS’s written submission makes no reference to the issue; I ask Mr McConnell to comment on whether the development of such a strategy has budgetary implications.

David Strang: In my submission, I commented on Brigadier Hugh Monro’s emphasis on purposeful activity, which I fully support. As an

inspectorate, when we inspect a prison we look at the extent to which prisoners are engaged in purposeful activity—in other words, the percentage of time that they spend engaged in such activity—and at the content of that activity, and the extent to which it prepares them for eventual release and helps them to settle back into the community in a positive way.

The Justice Committee's report provided a useful impetus. I know that the SPS is developing a strategy, and I have spoken to the lead officer on that. The work to implement the recommendations from the committee's report is in progress and, as an inspectorate, we will take great interest in that. Once the strategy has been implemented, we will report publicly on what we find.

Colin McConnell: Let me say in response to Mr Campbell and the rest of the committee that you can take confidence from what the chief inspector has fed back. In a few weeks' time, we will be able to demonstrate in a highly convincing way that we have fully endorsed the need to look again at purposeful activity on the back of the committee's report. It has caused us to think deeply about how the Scottish Prison Service goes about meeting its obligation to make a solid contribution to reducing reoffending.

You will recall that some of the concerns were about the extremely narrow focus of the purposeful activity that was undertaken. In some ways, it was a bit of a mechanical approach. We are therefore redesigning the organisation to provide opportunities for those who come into custody to obtain skills that will be sellable and marketable to employers when they leave prison. However, on a much wider level, we are also redesigning the organisation from the ground up.

We are proposing to do that from November of this year onwards so that the organisation is fully geared up—from the point of view of the resources that we have, the facilities that we put in place and how our staff are recruited, trained and developed—to work with those who come into our care, in partnership with other statutory and voluntary sector agencies, to address firmly what has brought them into custody and why they have offended so that, when they go back to their communities, they will be much better placed to become contributive citizens. We have gone beyond redesigning purposeful activity to an intrinsic re-evaluation of the SPS that looks towards a far more integrated and seamless approach to reducing reoffending.

Roderick Campbell: So you are not concerned with the resource implications of the budget. Are you happy with what you have to carry out the redesign?

Colin McConnell: Absolutely. The SPS does not need more than the Parliament is allocating to it, within a very difficult and challenging set of circumstances. What I will be able to demonstrate to the committee in due course is that the SPS also recognises and embraces the need to engage with the wider sectors—be it the statutory sector or not—through the more appropriate and smartly targeted use of our resources.

Sandra White (Glasgow Kelvin) (SNP): Good morning, gentlemen. One theme that we discussed yesterday that has also come through from all our witnesses today is working together. Yesterday we discussed sheriffs, judges and the Scottish Court Service being able to work together to understand what actually goes on.

Mr McConnell has mentioned mentoring. The national health service is involved in that work, and I think that £100 million is coming from the NHS to help people, particularly women, who are having problems with reoffending. Mr McConnell mentioned the £27 million, which we are told is additional, but he said that it is not additional, as it is there for future projects. Are the future projects purposeful activity? Bearing in mind all the other work that is being done by CJAs, Sacro and others, would you say that some of the £27 million that is going into the Scottish Prison Service is additional? If so, would it be better spent elsewhere and not just in the SPS?

Colin McConnell: We have to be clear that, of course, the £27 million is additional to what we had, but it is part of a planned resourcing of the SPS over time so that we can meet the commitments that are established for us. I do not want us to be dancing on the head of a pin when we discuss whether the sum is additional; it is, but it is part of the planned resourcing approach to the service.

Do we have sufficient funding to do what we need to do? Yes. Do we have sufficient funding to engage more purposefully with our partners within the criminal justice system and beyond? Yes, absolutely. As I said previously, it is not about working harder with the money but about targeting the spending and ensuring that the impact of the resource spend is felt across the widest possible landscape, in terms of where offenders come from and go back to.

The journey that the SPS is on is very much one of engaging more widely and integrating more closely with partners, within the statutory sector and beyond.

Sandra White: Thank you. Another member might come in on that issue.

I completely understand what you are saying, but you have not yet said exactly which planned projects the extra resources will fund. Will they be

used to continue the mentoring and, as you said, to work with outside bodies on the cash for communities programme and suchlike? Can you be more specific in your comments about the future plans and the extra money to help deliver them?

Colin McConnell: Again, I refer you to my written submission, in which I set out in about five or six bullet points the prime targets of that resource spend. However, that resource is not just the £27 million that we are discussing, which I would prefer to get away from because I think that we need to look at the whole resourcing package.

This is not only about developing the bricks and mortar—important though that is. You will see that one of our target projects is bringing on stream HMP Grampian. It is also about bringing on stream, in 2017, HMP Inverclyde and the new regional facility for women at HMP Edinburgh—we might talk about those projects next week. Of course, all that bricks and mortar stuff needs spend now, so that we can get there appropriately in 2017.

Going back to my previous response to Mr Campbell, I should say that the money is also funding a fundamental reform and transformation of the Scottish Prison Service over the coming years. This is the front end of a new service that takes a fundamentally different approach. In essence, we are designing in reducing reoffending at the front end. That will mean designing in closer integration with those in the statutory sector and beyond in, say, community justice and the voluntary and not-for-profit sectors.

All of the funding is driving that transformation. We do not need more funding to do it; we just need to use what we have more smartly. That is what, end to end, the reform of the Scottish Prison Service is about.

The Convener: I do not think that you answered my colleague's question about the budget increasing by £27 million. We have the bullet points in your submission, but can you tell us what that £27 million will be used for? Will it just go generally into everything or will specific amounts of that money be spent on specific things?

Colin McConnell: If you want to talk about the £27 million—

The Convener: I do.

Colin McConnell: Those resources are essentially to ensure that we can bring forward the capital projects. Although the money has been allocated as resource, we can, as you know, convert resource to capital. Sometimes it just has to be done that way because the resources that come from elsewhere are not balanced.

The resources will not only ensure that we meet our commitments to the Angiolini commission, in particular, by bringing forward HMP Inverclyde and the regional unit at Edinburgh; they will help us to respond comprehensively to the many recommendations for improvement that were made by Her Majesty's chief inspector of prisons and Audit Scotland, which we considered with this committee some months ago.

Taken as a totality, the funding is the fuel for driving forward the future reform of the service as I have described it.

The Convener: John, do you want to come in on this point?

John Pentland: I am prepared to wait, convener.

The Convener: Mr McConnell, it says in our papers that

"The capital element of the prison budget is set to decrease from £22.5 million in 2013-14 to £13.4 million in 2014-15"

but you are now telling us that £27 million is being put into capital expenditure. I am lost.

Colin McConnell: Not the entire £27 million. It is just the way in which Scottish Prison Service funding is split, and there is nothing that I can do about that.

As you might recall, the Angiolini commission report made it clear that Cornton Vale was simply not fit for purpose and that there was a need to rectify what was an unsustainable situation. Whatever shape or form funds come in, be they capital or resource, they have to be considered as a total funding stream.

The Convener: I think that I understand now. I thought that the £27 million that you were talking about was going to be capital expenditure but, from what you have just said, I guess that some of it might be and some of it might not. In other words, the figure that I have for the decrease in the capital element of the prison budget—which will fall from £22.5 million in 2013-14 to £13.4 million in 2014-15—is only a bare one and you will be putting other money in.

Colin McConnell: That is correct.

The Convener: I appreciate that now; I could not quite follow what was going on before.

Colin McConnell: My apologies for not being clear enough.

The Convener: It is not your fault—it is just the way in which the figures have been presented. Your comments have clarified the issue.

Did you want to come back in, Sandra?

Sandra White: That is fine, convener. The issue has been clarified.

Margaret Mitchell (Central Scotland) (Con):

Good morning, gentlemen. I want to ask about the supervised bail and arrest referral service, which seems to me to be an absolutely outstanding example of preventative spend. For example, it helps convicted people with legal responsibilities associated with bail and it assists individuals in recognising the nature of the difficulties that they face and in confronting their behaviour and its effect on them and others. Is that kind of programme under threat because of the lack of three-year funding? As the convener has said, that is something that we talk about time and again.

11:00

Tom Halpin: I shall address the three-year funding issue first. Every year, the staff working in the supervised bail and arrest referral service receive notice from the local authority saying starkly that the service will come to an end on a certain date, and they have to work under those circumstances. In the months between receiving that notice and the allocation of resource, we have to negotiate and at the same time reassure staff that they have a future. That is the reality of the funding arrangement.

How can you plan for the next year? Building community capacity involves volunteering in certain roles, but how do you recruit volunteers for the next year if you do not even know whether you have funding? There are real issues, which have been well expressed before, and the arguments stand up.

The public-social partnership model is slightly different because it is in the gift of Government, as part of the change fund, whether the funding comes from Government or from partners.

The Convener: Can you clarify that? Are you saying that the three-year funding is not always from Government, but that it could be provided by the charitable sector, through the lottery and so on?

Tom Halpin: There tend to be three-year budgets for Big Lottery Fund projects, but it depends on the project. Some budgets are for one year, so the funding can be just as disruptive. However, in relation to my experience with Sacro, I was talking about public contracts coming to the third sector.

Margaret Mitchell: I want to ask specifically about that, because it is an excellent example of something that is a no-brainer and should continue as it is doing superb work. How is that work funded?

Tom Halpin: It is funded by tendering and formal procurement. In the south-west Scotland

community justice authority, we work with local authorities there.

Margaret Mitchell: Who gives out the money and makes the funding decisions?

Tom Halpin: The local authorities in south-west Scotland issued an invitation to tender. When we go for formal contracts, there can be greater clarity, but there is an inconsistency in how local authorities apply the approach, because they may write into a contract, "subject to available funding", which can leave us in just the same position.

As far as the effectiveness of that type of service is concerned, I want to make it clear at the outset that it is a challenge for the person who receives the service, because they have to comply. Indeed, we are very challenging during the process, but at the same time we will be a critical friend and will cause the person to look at the issues and behaviours that have brought them to that place. There are all sorts of assessment tools and work plans integrated with that.

The fundamental part of our work, particularly for bail supervision, is that people must comply with the conditions of bail. I refer back to my previous point that it is not a soft option. It is not about treating everybody the same and saying that everybody has got good in them. There is serious management of offending behaviour going on in those services, and that should not be lost.

The Convener: I think that you can take that as read. Members of the committee are quite sophisticated and we appreciate the multiple complexities of managing individual parties on remand or coming out of prison. I do not mind you putting that point on the record, but we have been around a while, some of us for far too long—I thought that I should say that myself before anyone else says it about me.

Margaret Mitchell: I would like to underline the fact that we fully take on board the amount of administration and time that is taken from the core service that you are delivering to make your case for funding on a yearly basis. In relation to the budget, those are highly pertinent points.

Could I widen the question a little? The standstill budget represents a £3.1 million cut in the criminal justice social work budget. Before I turn to Mr McKendrick, I would like to ask Mr Halpin and the other panel members about that, because I know that there will be specific issues about how the community payback orders are affected. How does that cut affect your work?

Tom Halpin: There are real examples of that at the moment. We have had notification from several funders that they are applying a 1.5 per cent reduction to our budgets next year for existing services. Recently, when some of our services

were issued for retendering, there were budget cuts in there, too. However, if we look at the whole envelope, we see that, because other services have been brought in, there is actually a budget cut of more than 30 per cent. That is a decision about what is being funded and the direction that is being taken—it is about more than just one service.

There is an impact on my colleagues across the third sector. Very often, we are the low-hanging fruit. At this level, we see a set figure but, by the time that it feeds through the system, the cuts are significant. Sacro's overall turnover reflects the turnover of many organisations in the sector, and the pressures that came through in 2008-09 turned into a 30 per cent reduction in turnover. That is the reality.

Margaret Mitchell: That is helpful. Do the other witnesses wish to respond? Mr Strang? I know that you have been in place for only four months.

The Convener: I do not seem able to stop you doing that, Margaret. [*Laughter.*] They are all professionals, and they will come in if they like.

David Strang: I am interested in the outcomes and the impact on the people who are being worked with. I do not inspect and audit budgets and so on. My concern is that a reduction in what the third sector can provide will have a negative impact on work with prisoners while they are in prison and on release. I look at the treatment of prisoners and conditions in prison, but I also look at the impact of imprisonment and of resettlement and what happens after it. I would be concerned if those services were reduced.

Councillor McNamara: In community justice, we are always told that we get £128 million per year, but that is actually criminal justice social work money that goes through community justice.

I can tell you about the direct impact of any cut, for example, to the community payback team, which as I have said has been extremely successful. The funding for that is being cut at the same time as the judiciary are starting to use it—we have talked about the judiciary having trust in the approach. For example, in Dundee, the use of community payback increased by about 30 per cent at the same time as there was a cut in the budget, which just does not stack up.

We explain to the community that the individuals who are involved are paying back to them, and that is evidenced in front of them. The public like it, and the individuals like it because they are not incarcerated—they are out there learning. I would even hope to increase the learning experience that those individuals have and to certificate it. However, all those opportunities start to be lost when there is even a small decrease in the

budget—and the standstill is a significant decrease in the budget.

Sean McKendrick: I thank Margaret Mitchell for the question about the impact of a 1.8 per cent real reduction. There are probably a number of answers.

As has been described previously, it is appropriate for and incumbent on public services to work more efficiently, effectively and collaboratively. However, starting with a reduction makes that challenge all the more difficult. It is hard to predict in exact detail the impact of the reduction, but it is clear that front-line criminal justice social work services might be affected, depending on the impact in localities.

To pick up on Mr Halpin's point, local authorities do not desire one-year budgets, but that is the position that we are in. The difficulty is that the service is demand led and there is very little capacity to influence the demand from the sheriff courts. It is therefore difficult to make sustainable decisions on a one-year basis.

Another issue is that local authorities have to discharge their legal responsibilities under the Social Work (Scotland) Act 1968. Because of that responsibility, local authorities will decide to ensure that those statutory services are properly protected. On occasion, that might well come at the expense of the earlier intervention services, although it is hard to predict because the approach will be defined, agreed and decided on in localities.

Overall, the harsh reality is that such a cut will have an impact on a variety of services, but it is more likely to be on the ones that we all determine to be preventative and early intervention services.

Margaret Mitchell: That is very helpful.

I read what Mr McConnell said in his written submission about using prison officers and the relationship that they already have with prisoners. Is there any aspect of how you want to move forward that could be affected by the criminal justice social work cut? A number of written submissions have mentioned the importance of family support, which is certainly a preventative measure in ensuring that there is support to prevent prisoners from reoffending. Are you concerned that the cut in social work will affect your programme and your vision of how the prison officer role will move on?

Colin McConnell: I am concerned about all my partners and colleagues across all the sectors, because any change or contraction could undoubtedly have an impact on the quality of service that can be provided. I have picked up that that might vary from locality to locality, but I am not close enough to it to know.

Changes in the community per se will not, in my view, impact substantially on our direction of travel towards a more integrated approach to service delivery. I have already set out the situation, which will become clearer after 18 November when we publish our organisational review report. Our skills and experience, and our current relationships with those who are sent into our custody by the courts and for whom we care daily, are in a sense bought and paid for—that is part of my point. We do not need more money or a grand initiative in order for that work to have more impact; we just need to take ownership or agency and work with each other to spread and develop the impact across the system and into the communities. My perspective is that of the glass being half full rather than half empty.

Margaret Mitchell: If you are working on community projects—for example, supporting the family—there is often a role in such projects for community justice social workers. However, if their hours are cut, they are diverted to the statutory obligations to which Mr McKendrick referred, which might have an impact on the projects. Given that concern has been expressed during the meeting about the ability to deliver community payback orders and community sentences more generally, is the panel concerned that the Government's review of community sentences will not be published until September 2014? In view of that and given the information that the panel has provided today and the various gaps, is the panel in favour of postponing any redesign of community sentences until we have information from the September 2014 review?

The Convener: I am thinking of budget implications in my little head.

Councillor McNamara: I am sorry, but I am confused. Is Ms Mitchell referring to the community justice authorities?

Margaret Mitchell: No; community sentences. There is to be a review of how well community payback orders work. Obviously, the more information that you have on that and the more efficient that you make it, the more value for money you will get. To that extent, there are budget implications. The review will not be published until 2014, so should we be redesigning the community justice system without having all the facts?

Councillor McNamara: Indeed. I think that we have been arguing that all morning and we have said clearly that we want to have evidence before we start to change anything. I do not think that there is sufficient evidence yet for a proper and balanced judgment to be made on community sentencing. I would argue that we must therefore wait.

The Convener: Right, but we are not going to do anything about it right now anyway, because nothing is in front of us.

11:15

Sean McKendrick: I understand that the Government's review is about the roll-out and impact of its new sentences. How the sentences are delivered in a geographical locality is important, but I understand that the review is about the implementation and impact. How we are organised to deliver the sentences is a slightly different question and is not the subject of the review that will be published in September 2014.

Margaret Mitchell: May I ask a final question, convener?

The Convener: It must be short, because members are waiting. I am trying to finish by 11.30, because people have other commitments.

Margaret Mitchell: It is very short. What aspect of the prison estate is of greatest concern at the moment, in relation to overcrowding and suitability of facilities?

Colin McConnell: We are fortunate in that the Scottish Government has invested £400 million or so in the estate since 2007, so we are in a pretty good position. However, there is no doubt that there are prisons that have not yet benefited from substantial refurbishment or rebuilding, which include HMP Barlinnie—Barlinnie is a sort of national totem, as far as prisons go, and it is a concern. HMP Inverness is also a concern—Victorian prisons are a concern—and there is no doubt that Dumfries and Greenock prisons are longer-term concerns.

The £27 million that we talked about is new money and it is part of a longer-term plan. Work is under way to establish long-term solutions to the challenges at Barlinnie and Inverness. For example, a search is under way for a site that might replace Barlinnie. Since I took over in the SPS, I have asked what the options are for redeveloping Barlinnie on the site, which might be more cost effective to the public purse. The two strands are moving forward in parallel.

There are big challenges for us. The prisons function, but in the long term we must refurbish or replace them.

David Strang: The Victorian prisons that Colin McConnell named are of concern because of their fabric and design, and they contrast sharply with the rest of the estate, given the improvements in that regard. There are modern prisons at Shotts and Low Moss, and the new HMP Grampian will open next year, so the Victorian prisons stand out more.

Fabric is one thing, but perhaps more important is what goes on inside a prison. For me, a key factor is the relationships between prison officers and staff and prisoners. What is important is the culture in the prison, how it is led and what the outcomes are, which might not depend on the fabric. Poor fabric does not help, but there will be older prisons that are well run and have good relationships between staff and prisoners, and there might be a newer prison where things are not so good. The inspectorate looks at rather more qualitative aspects.

Margaret Mitchell: I understand that, but may I ask about the remand unit at Cornton Vale prison, which was causing a lot of concern at one time? Has it been upgraded while the new prison is in progress?

The Convener: Can we leave Cornton Vale—unless of course David Strang wants to respond? It is getting a whole agenda item to itself next week. Colin Keir has been very patient, as usual. Your patience is charming and is never neglected by me. After you, I will bring in Elaine Murray and John Pentland, and I will try to finish by 11.30, given members' other commitments.

Colin Keir (Edinburgh Western) (SNP): Thank you, convener. I am a veteran of the Public Audit Committee as well as the Justice Committee and I have read various reports—

The Convener: People thought that you were going to say that you are a veteran of prisons. We were all ears.

Colin Keir: I have not quite managed that, yet.

We heard, particularly at the beginning, about silos, self-interest and all that sort of thing. In my view, if the constitutional settlement remains the same, austerity will continue for a number of years. We must therefore expect austerity for not just this year, but perhaps a series of years. We have heard about possible redesign and the report that will be published in 2014, but do the witnesses think that anything is identifiable right now that might get rid of some duplication and various other obligations and which might lead to budgetary savings, certainly in the short and medium terms?

The Convener: That has stumped you all, but it is a good question. We waited a long time for it, but it is a good question.

Tom Halpin: The fundamental question is about who delivers what. There is a long-established history in Scotland regarding who delivers what bits of the system. From my perspective, we now have a third sector that is pushing its case that it should deliver more. I have had long experience of working in the statutory sector as well, and I understand statutory responsibilities. I am not

making the case for anyone, but my question is: who is relevant in relation to delivery and who can deliver best value? In terms of budget allocation, there should be a big focus on who delivers what and what evidence there is that a group, person or organisation is best placed to deliver.

Councillor McNamara: I have experience in community justice over the past six years. The build-up of trust did not happen overnight. To get away from the silos, the protectionism and people's attitude that this is what they do and they have always done it that way—to change attitudes—is quite rewarding. However, it is frustrating that just as that starts to happen somebody says that we are not doing it quickly enough or well enough and that they are going to pull the rug and completely change things. From my perspective and that of all the organisations with which I work and which sit round the table in the south-west of Scotland, that is extremely frustrating. We are asking them to carry out duties and projects that are being constantly undermined, whether in relation to timescales, the budget, political direction or whatever.

Four different political parties sit round the table in the south-west of Scotland, but we have not once had to have a vote, because we have one thing in common: we want to change the society that we live in and make it better, and to use all the tools to do so. Despite all the difficulties, we have been able to achieve that. However, when we are given the opportunity to make our case, we are told that we are not doing things quickly enough. It takes time—we have already said this with regard to three-year funding and so on—to make people confident. We are just starting to do that with the judiciary. For me, it is about getting the judiciary and the health service to work with us, using health resources—a massive budget—in a much smarter way. We are starting to work with the health service, but things are now all changing again.

I despair that, in five years' time, somebody will sit at this table and say, "I think we should actually have something like a community justice authority to bring all these partners together," which will be reinventing the wheel. It has taken a long time to get to where we are today, but my fear is that we are throwing out that work and that the committee will sit here looking at budgets in four or five years' time and say, "Why ever did we remove community justice?" The community has been mentioned throughout the meeting, and this is about reflecting the community and the community understanding exactly what we are trying to do. We are having an impact on the community, but I fear that we will lose that impact.

Colin McConnell: I wholly recognise the circumstances as Mr McNamara has described

them. This has not yet been touched on during the discussion, but the Prison Service's inherent inflation costs are £13 million per annum—that is what we need simply to stand still. That number is driven by a number of complex issues relating to how services are broken up and contracted, and costs that we cannot shift around.

The Convener: Those could be your gas bill.

Colin McConnell: Yes—gas, electricity and water. It is about contracted services. There are built-in funding regimes that we simply cannot get away from, no matter how tight the fiscal situation.

I hope that this chimes with what my colleagues on the panel would say. We should not necessarily seek permission to drive public sector reform—that is a given. Those of us who are charged with running services and being responsible for large chunks of public spend—the Scottish Prison Service, in my case—really have an obligation to look beyond siloism. We do not necessarily need to work through third parties. We do not need grand committees to sit and work this out. We really should just discharge the responsibilities of our office and come together to find smarter, more economic, more efficient ways to do things.

I see hope; I get lots of messages from people who are up for doing that. I will give you a small example, but it is one that we can build on. I mentioned last week's ADSW conference. Each year, the Scottish Prison Service spends about £5 million on essentially buying criminal justice social work services for statutory provision. I think that that is frankly bonkers; I do not know why we do it. However, that £5 million sits in the SPS so that we can buy what are essentially community in-reach services. I think that that money could be used in a smarter way. I am not going to stand on ceremony about this. I give an open invitation to my colleagues: let us not have a grand committee; let us just get round the table and sort out how we can use the money better. I take Tom Halpin's point entirely. Let us find out which organisation or which location is best placed to make a real impact with that resource. Let us try to find a way to get the maximum impact from it.

The Convener: I am conscious of the time, but can you explain how that money is allocated just now? Is it ring fenced to be used in a certain way?

Colin McConnell: One of the limiting factors is that it is not ring fenced, so it is potentially elastic. The sum is driven in a sense by the service that is ultimately specified by the SPS and our criminal justice social work partners. It really is about providing services to those who require statutory input. It is a tortuous process to go through, because a load of bureaucracy goes with it, which in itself is a drag and a cost. We as a public sector just have to get on our horse and go to a different

place on this. We do not need flagship initiatives; we can just get round the table and sort this out.

Sean McKendrick: The previous time I was at the committee, Mr McConnell and I spoke about this very issue. As an organisation, we are more than content to get round the table and discuss how we spend that money. This connects to a point that I wanted to make in reply to the question and it relates to what I said about collaborative practices. We need to try to get away from seeing offenders as individual offenders. They are part of their community and require the services of other community members. Unfortunately, most of the individuals who are offenders also require child protection services and addiction services. Although I support the idea that we do not need grand committees, we do need a better understanding of how those individuals consume services and how we make services more accessible to individuals who are vulnerable and do not access services very well.

The Convener: I note that Mr McConnell was nodding there. I will leave you to debate that interesting point.

John Pentland: Can I ask a question?

The Convener: You are on my list. Colin, have you finished or do you want to come back in?

Colin Keir: Given the time, I will let you move on.

The Convener: Thank you very much. Right, we will have John Pentland and then Elaine Murray.

John Pentland: Mr McConnell said that the Scottish Prison Service's resource is sufficient. Are we to believe that, every year, the £5 million that is identified within his budget for criminal justice social work services is given to those services?

11:30

Colin McConnell: If I have understood you correctly, the answer is yes, on the basis that those services have to be provided, and they have an associated cost. The money moves from us to whichever local authority provides the service. We do that by dint of a service-level agreement that sets out the amount of money that will be provided for the services. However, I think that we could work a lot smarter and find ways of making better use of that resource. My point is that the money really should not sit within the SPS; it should sit somewhere else, but it just happens to sit in the SPS for the moment. In a sense, I could walk out of here and be shot for giving away £5 million from the SPS, but I am prepared to do that because we are probably not the best-placed people to judge.

There are more professional colleagues who can make better judgments on that.

The Convener: That is an interesting point. We will have a final question from Elaine Murray and then we will stop, because we are close to the time that I thought that we would take.

Elaine Murray: The level 4 figures indicate a 25 per cent decrease in the budget for electronic monitoring and a 20 per cent decrease in intensive support packages for MAPPA—multi-agency public protection arrangements—level 3 sex offenders. Are there any concerns that those budget decreases might impact on reoffending or on alternatives to custody?

Tom Halpin: This might surprise the committee, but Sacro is considerably involved in providing support to local authorities on the management of MAPPA clients, particularly through intensive support packages. One of the issues for my organisation in that regard is that the level of risk is significant. There is no point in trying to wash over that. We have scrutinised ourselves and employed the right people, and the board that governs us has credible and eminent experts in the field.

Let me explain the reality. When people are released on parole or on mental health orders, they go back to random areas in the country—it depends on where they came from. Naturally, the level of knowledge, experience and readiness to receive those people in some areas is variable, as members can imagine. I believe that we perform an important role in providing support. We not only provide social support—part of the big risk that builds up is to do with the isolation of people who are under control—but give advice and share our experience across the country with our partners.

That tells me that, for some services, strategic commissioning that recognises the national as well as the local element has a relevance, although the services must be managed locally. Looking forward, we should consider the commissioning picture for intensive support packages. At present, typically, a person returns to an area and the local authority has to look for partners to put a package in place, and then commission that. To give consistency, we have to maintain a level of infrastructure and expertise, which costs my organisation—a voluntary sector organisation—a significant amount of money, with no prospect of a central commissioning policy that would set out how the commissioning should be designed. That is just one example of where strategic commissioning has a place in the commissioning context.

Sean McKendrick: One of the functions of the social work profession is to ensure that we protect the public. The short answer to Elaine Murray's

question is that we would shift money to ensure that those who are assessed as presenting the highest level of risk are properly supported, notwithstanding the point that my colleague makes about how we commission those services. The argument is that, for the critical few who pose our communities the highest risk, we would find a budget that would follow them. The essential point is that the budget would come from existing services and we would divert money to a particular individual. There is a message about public reassurance. However, rejigging our budget to ensure that that is done would have an impact. The reductions that are associated with that particular protection function would impact on those who are lower down the tariff. There would be an impact on our capacity to deliver other less pressing services to less risky individuals.

The Convener: That concludes the session, which has been very interesting. All our evidence sessions are interesting, but you are my favourites.

Do not wander off, committee. Pay attention, please—Mr Campbell, you are not paying attention. The next meeting will be on Tuesday 5 November, when we will conclude our evidence taking on the budget with a panel on women offenders and an evidence session with the cabinet secretary. For the panel on women offenders, Colin McConnell and Tom Halpin will be back, and we will have Anne Pinkman, convener of the Scottish working group on women's offending, and Lillian Cringles, from North Lanarkshire Council's criminal justice social work department. We will also hear from the cabinet secretary on his report to the Parliament on progress on the recommendations of the commission on women offenders.

I remind members that the deadline for stage 2 amendments to our sections of the Victims and Witnesses (Scotland) Bill—some amendments have already been lodged by members of the Health and Sport Committee—is 12 noon on Thursday 7 November. Our stage 2 consideration will take place on 12 November.

Meeting closed at 11:36.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78351-960-6

Revised e-format available
ISBN 978-1-78351-978-1

Printed in Scotland by APS Group Scotland
