



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 5 February 2013

Session 4

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JUSTICE COMMITTEE
4th Meeting 2013, 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:

Katharine Brash (Carnegie College)

Dr Kimmitt Edgar (Prison Reform Trust)

Andy Martin (Martin Plant Hire)

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

Neil Powrie (Association of Visiting Committees for Scottish Penal Establishments)

Kirsten Sams (Motherwell College)

Alan Staff (Apex Scotland)

Pete White (Positive Prison? Positive Futures)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 5 February 2013

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

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning and welcome to the fourth meeting in 2013 of the Justice Committee. I ask everyone to switch off mobile phones and other electronic devices completely, as they interfere with the broadcasting system even when they are switched to silent. Apologies have been received from David McLetchie. Jenny Marra will be late, because of the wrong kind of snow on the line.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take consideration of our approach to the forthcoming victims and witnesses (Scotland) bill in private at future meetings?

Members *indicated agreement.*

Purposeful Activity in Prisons Inquiry

The Convener: Agenda item 2 is our inquiry into purposeful activity in prisons. With our first panel of witnesses, we will focus on the benefits and general principles of purposeful activity. I welcome Neil Powrie, who is convener of the Association of Visiting Committees for Scottish Penal Establishments, and Brigadier Hugh Monro, who is HM Chief Inspector of Prisons for Scotland and whose fault it is that we are doing the inquiry—his report led to it. John Scott was to have been here, but he is absent because he is a new dad—well done. That is why he is off; it is allowed. Therefore, Pete White, who is co-ordinator of Positive Prison? Positive Futures, is representing not only that organisation, but the Howard League for Penal Reform in Scotland; he is wearing two hats. We are also joined by Dr Kimmett Edgar, who is head of research at the Prison Reform Trust.

I invite questions from members.

I was too quick for you. You have not even got your pens out. Your brains are not aligned.

John Finnie (Highlands and Islands) (Ind): I have a question for Mr White. Your organisation has a very positive title. Do we have cause to be positive about the future of prisons?

Pete White (Positive Prison? Positive Futures): If they are given the right direction from committees such as this one, we do. It is possible for people in prison to have a positively transformational experience there, but a lot of work needs to be done to get to that position.

John Finnie: Will you share with us some of your suggestions on how to bring about that positive future?

Pete White: First, I point out that the direction in which the Scottish Prison Service has headed in the past year since the change of chief executive is highly constructive from our point of view. There is quite a different wind blowing through the prison blocks thanks to him.

The main thing is to remember that all the prisoners in every prison are individuals with special needs. They are not ticks in a box, statistics or outputs.

The Convener: We know all that. We need practical suggestions. I think that that is what John Finnie is after.

Pete White: I had to start somewhere.

The Convener: Do not take it to heart—I just want to move us along.

Pete White: Not at all.

In practical terms, we need much greater provision of education, because the proportion of the prison population who can attend education at any one time tends to be a lot lower than might be ideal. The provision of trained staff to support prisoners is not sufficient and the operational procedures inside prisons militate against freedom of access to education. I think that a lot of innovative work could be done to address those issues.

The Convener: Could you define what you mean by “education” and “operational procedures”, please?

Pete White: “Education” ranges from the basic meeting of literacy and numeracy needs—which is a huge burden on any institution that looks after people with that common a problem; I think that there needs to be a lot more of that kind of education in prisons—to activity to do with art and creative work, which can help someone who has never previously identified their self-worth to do so. By enhancing such forms of education, the way in which things can change for individuals in prison can be greatly improved.

Operationally, the movement of prisoners is—quite understandably—very carefully controlled, but the relatively new construction of some of the buildings that make up the prisons means that there could be much more coming and going. Alternatively, education could be delivered in the wings.

John Finnie: I have visited Inverness prison, which given its age and very central location has very little scope for modification. Do you accept that building design can put limitations on education and access to it?

Pete White: Absolutely—and we need to be innovative in addressing those limitations. I realise that the prison estate varies across the country and that there are good things and bad things in all prisons.

John Finnie: How could the status of education be enhanced among the prison population? After all, a lot of prisoners have had no regard for the education system in the past and it will be very challenging to get them interested.

Pete White: We need a slightly different starting point. Education on its own is just not sufficiently engaging to those who have no idea what it is, and we have to approach the issue on a completely different level and find a different way of showing prisoners what education can offer and provide them with.

John Finnie: Last week, I discussed with the Scottish Prison Service’s chief executive the getting it right for every child multi-agency approach to putting together plans for children and

seeing them through, and wondered whether we were getting it right for every prisoner. Is there any benefit in having individual plans—or, if they already exist, enhanced plans—with realistic outcomes for prisoners?

Pete White: That would be an excellent move, if it could be achieved.

The Convener: Does anyone wish to comment on this line of questioning and, indeed, the difficulties of trying to educate people on short sentences?

Brigadier Hugh Monro (HM Chief Inspector of Prisons for Scotland): Good morning, convener. Of course I normally ask the tricky questions rather than provide the solutions. However, I support everything that Mr White has said.

A lot of this comes down to organisation. The computerised prisoner management systems at Kilmarnock and Addiewell that I refer to in my submission would, I think, be an enormous help in getting it right for every prisoner because every prisoner could have a properly organised plan with a database behind it. Such an approach would also lend itself very well to throughcare. If I have a concern, it is that I think it a pity that the prisons built in very recent times do not have any form of computerised prisoner management system. I very much hope that in the future—and, indeed, when Inverclyde prison is being planned—the Prison Service will look at such a system because I really think that it is a tremendous way of not only measuring progress but contributing to what is currently a very bleak evaluation process. I certainly think that it is one way forward.

In my reports, I have also reflected on timetabling, which I think is improving. Some SPS prisons are beginning to take a more careful look at the issue. The massive route movements during the day take a lot of time, energy and resources and can mean, for example, that people are in education all morning or all afternoon. When I think back to my school days, I remember trying to work out my simultaneous equations during maths period and always looking at the clock to see when it would all end. We need a more flexible approach to timetabling and I certainly entirely agree with Mr White’s points about regime and organisation.

The Convener: Are any prisons apart from the two you mentioned using a computerised prisoner management system?

Brigadier Monro: No. In fact, for some time now, I have been pleading with the SPS to do something about the issue. For example, I pleaded for a computerised prisoner management system to be put into Shotts prison, which has been open only a year since the rebuild and which I am

inspecting next month, but that has not happened. That is a great missed opportunity; Shotts might have new clothes, but it is still an old prison. The opportunity has simply not been taken—and I repeat that what is really important about the system is that it provides a database.

The Convener: I believe that Graeme Pearson wishes to follow that up.

Graeme Pearson (South Scotland) (Lab): Was the same opportunity missed at Low Moss, which was opened a year ago? If so, why?

Brigadier Monro: Yes, it was. I know that the governor is very keen to install the system but, although he has made some attempts, he has not been helped by the technology. For example, he has not been able to put touch-screen televisions into each cell. I should point out that I have not yet inspected Low Moss—I am due to do so in the coming year—but the opportunity to put in place a properly computerised management system and database was not taken. I do not know why.

The Convener: I do not know whether you know the answer to this, but is it expensive to do?

Brigadier Monro: I am sure that there would be a capital cost, but it would be recouped in the efficiencies that would be achieved in the management of the prison. It would not be necessary to run the prison on a paper-based system, so it could be run much more efficiently and effectively.

Neil Powrie (Association of Visiting Committees for Scottish Penal Establishments): I concur with everything that I have heard so far. Our concern is about the lack of activity and education for those who are held on remand or short-term sentences. By the time such prisoners—especially those on short-term sentences—go round and round, they accumulate what, in effect, becomes a long-term sentence. Not nearly enough is being done to address literacy with those who are on remand.

Of course, the prisons are not required to do any education with such prisoners. I think that, in Perth in the past year, only eight remand prisoners got involved in work and only two got involved in education. There needs to be far more emphasis on those who are on remand or short-term sentences becoming involved in education—particularly to address numeracy and literacy issues—and greater encouragement for them to do so.

I draw the committee's attention to the toe by toe reading plan, which is an excellent initiative. Yesterday, I looked at the website of the organisation that runs it, which is currently advertising online for volunteers in three of Scotland's prisons. The reading plan is a peer

mentoring scheme, with the mentors operating on a one-to-one basis.

If the emphasis now is on community-based prisons, that provides an ideal opportunity for recruiting volunteers for the reading plan. There are many retired teachers, for instance, who I am sure would be delighted to come into our prisons and work one to one on basic literacy with those on remand or short-term sentences. Such prisoners never manage to qualify for any courses simply because of the lack of space and the shortness of their sentences. That could be addressed.

The other barrier to education is a lack of access to the internet. It is possible to block access to inappropriate sites. When we speak to education staff and prisoners, we find that the lack of internet access hinders education courses, many of which can be done online. Many of my colleagues also picked up on that in their submissions.

The Convener: We have been told that, if a prisoner is on remand and takes part in any such activities, it is almost seen as an admission of guilt. Is that a nonsense?

Neil Powrie: Not really, no. I picked up on that comment. Was it prison staff who said that that might be the case?

The Convener: Let us say that they are discouraged.

Neil Powrie: Those who express that view need to be discouraged from expressing it in the first place. I would not hold with it. If that attitude is a barrier, we need to overcome it and stamp it out effectively. As long as that view prevails, we will still be talking about the same issue in another five or 10 years.

The Convener: Yes, and I do not want that.

Neil Powrie: None of us does.

The Convener: I invite Dr Edgar to comment.

Dr Kimmett Edgar (Prison Reform Trust): Thank you very much for inviting the Prison Reform Trust to appear. I am grateful for the opportunity.

I will comment on the impression that what can be done by way of purposeful activity is limited by resources and that it is, in essence, a question of resources. Inactivity wastes the greatest resource that prisons have, by which I mean the gifts, abilities, skills and insights of prisoners themselves.

Prisons serve the public and do that well by incapacitating prisoners and assessing the risks that they pose—that is, doing things to prisoners. Prisons are also okay at doing things for

prisoners—addressing their needs in relation to substance misuse and education, for example—but the approach that is not being developed and which needs to be developed is doing things with prisoners.

That approach involves working with prisoners, engaging them, picking up on their gifts, abilities and interests, and giving them a way of finding a positive role once they are released. It is not available to most prisoners today, but it is just as crucial to reoffending as the other approaches and needs to be achieved through activities that give people a purpose to their time in prison.

10:15

The Convener: Thank you. Alison McInnes has a question on the internet.

Alison McInnes (North East Scotland) (LD): My question is not on the internet, but on volunteers and literacy. Mr Powrie said that he is sure that there are lots of people who would go into prisons on that basis. One of the things that I picked up on our prison visits is the range of agencies and partners involved in providing different courses and learning opportunities for prisoners, which are all very well meaning but not necessarily joined up. For example, some of them create tensions because people are taken out of one class to go to another. Does the panel think that more strategic leadership is needed around that, with perhaps a refining of the offers in prison to make them more appropriate for the individuals involved?

Neil Powrie: That is a very good point. There seem to be a great deal of agencies across the prison estate spectrum, many of which go in different directions and have different policies and strategies. We need to consider having an overall joined-up strategy and policy that flows seamlessly throughout the whole prison estate. At the moment, we find different things going on in different jails, and what is available in one is not available in another. We need to address that.

Another issue, which we highlight in our written submission, is the wide discretion given to governors to interpret and prioritise existing Prison Service policies and strategies. The situation differs from prison to prison. An additional difficulty is the swift turnover of governors. There are examples of prisons that have had 12 governors in 10 years and eight governors in seven years—they are sometimes in and out like a yo-yo. However, they have wide discretion to chop and change strategies, directions and policies. That is a barrier. Alison McInnes made a valid point that needs to be addressed.

Pete White: We could have a more strategic overview if we worked out what the prison

population's needs are in the first place and delivered services that meet those needs, rather than just considering what services to deliver. It would be interesting to explore the notion of working on the basis of the individual's needs first, rather than those of the service providers. A lot of people in prison are not used to being asked questions that might give them an opportunity to answer honestly and openly. They are also not used to being treated with respect—not necessarily just inside prison but in life in general. Throughout this purposeful activity inquiry and beyond, I would like to encourage a process in which people are given the personal resources to recognise that they are allowed to answer and ask questions, and that they will be listened to when they answer. That would be a good starting point for a completely new way of looking at how things are organised in prisons.

The Convener: This is not my view, but some people might say that that is going soft on them—they might ask why people should listen to prisoners, why their views should be considered and why they should be treated in that fashion. What is your answer to that?

Pete White: Do we wish these people to come out of prison ready to be citizens, or do we expect them to continue to be segregated in the community after they are released? If anyone thinks that it is soft in prison, I would respond from my personal experience, even though I was a prisoner in the new part of Edinburgh prison, that it would not be fair to describe it as soft. When you have no liberty or freedom of movement, and your freedom to associate with people is controlled by people in uniforms, that is not soft. Being banged up in a cell is not soft and being made to eat the food that is provided is not soft—although sometimes the food is excellent, I have to say.

The concept of prisons being soft places is promoted by parts of the media that wish to make the case that some people become relatively comfortable in their skin when they have been in prison for a long time. The idea of people serving a life sentence by short instalments is one of the best ways of ensuring that those people become comfortable within the system. However, treating people in prison with respect and listening to them is a great preparation for their being released and not coming back.

Brigadier Monro: I will take on the convener's question. The Prison Service is going through a change that is a transformational reorganisation, so this would be a classic time to review the whole piece. We raised questions in our written submission about the range of activities in prison—about whether those were the most appropriate activities—and about access to them. All those aspects could be looked at.

Mr White alluded to the cultural view of activity in prison regarding what should be allowed and what the rules should say. We need to think out of the box and look at the issue again. It is not only about getting prisoners through their time in prison, but about throughcare and getting prisoners back into the community in the most sensible way possible. It is also about getting the best deal: a lot of it is about resources and money, which we have talked about. If we get it right, we will be spending our money sensibly. However, I do not think that we know what activities for prisoners we are spending our money on. In fact, we have not the slightest idea what we are spending our money on, because there is nothing that measures or evaluates what is going on.

There needs to be a review, the catalyst for which would be to ask what on earth we are doing, why we are doing it and who should be doing it. Mr Powrie made a good point about individual governors making far-reaching decisions. I know that Mr Finnie has visited Inverness prison, where I was the other day. There is a big workshop there, but quite recently £0.25 million-worth of machinery was stripped out of that workshop and a very good link centre put in. Was that the most sensible thing to do? Where do we want to be with purposeful activity in prisons in 10 years' time, and do we have a vision or strategy to get there?

Sandra White (Glasgow Kelvin) (SNP): Good morning, gentlemen. Your comments are very interesting.

I visited Barlinnie and—

The Convener: Just a wee minute—I am getting anxious looks. Graeme Pearson will be next, then Colin Keir and then Roderick Campbell. They are on the list. Sorry, Sandra.

Sandra White: It is not a problem.

When I visited Barlinnie, I noted lots of good work going on, particularly the attempt to expand work into the community. What can the service as a whole do to engage effectively with local communities via prisoners? Do you have any ideas? The governor of Barlinnie prison talked about mentoring, which would mean prison officers going out into the community with short-term prisoners and mentoring them in their activities. How could there be closer links with communities?

Pete White: First, it is an excellent idea to consider “community” and “prisons” in a single sentence—in both meanings of the word. The scope for maintaining links between prisons, prisoners and the community must be carefully approached to ensure that—it hurts to say this—the prison's role of locking somebody up and taking them away from the community is acknowledged and remembered. That comes

down to sentencing rather than to the prisons themselves. There is great value in taking further, by way of research, the scope for the prison walls being seen as permeable somehow. Providing scope for people who have a young family or other family members outside prison to maintain real links with them should be considered as a positive way forward. The damage that is done to the families left outside when someone goes into prison is something that we can hardly begin to measure. However, the pain caused and the expense that arises because of that are enormous.

I think that, not on the basis of expense but on the basis of the pain, anything that helps with the community link should be examined. I also think that community placements for some prisoners would be a great way of ensuring that they are given the best chance to develop their personal skills towards employment.

Dr Edgar: The listeners scheme is a good example of the way in which prisons reach out to the voluntary sector—

The Convener: I am sorry, could you repeat that?

Dr Edgar: The listeners scheme, which is aided by the Samaritans, is a really good example of the way in which prisons rely on the expertise of outside voluntary sector organisations to fill gaps in their expertise. The Samaritans are expert in dealing with people in such distress and they train listeners who are prisoners who volunteer for the role in the same techniques and skills employed by the Samaritans outside prisons.

I raise that as an example of a way in which prisons should be more dependent on the community for expertise. There is a raft of areas in which prison officers should not be expected to be expert, but in which people in the community have expertise.

I will finish with one really good example that is in our report “Out for Good”. We talk about Kennet and Liverpool prisons, which rely on the local authority because it knows all the details of the tiny voluntary sector agencies that might have expertise. If the prisons get three Bulgarian prisoners, officers may not know Bulgarian or how to deal with those prisoners, but they might find out through the local authority that there is a local Bulgarian cultural centre, for example. It is a matter of applying the detailed expertise that the voluntary sector can offer.

Neil Powrie: I want to come back on the lack of strategy and overall policy, and the point that has just been made about local authorities. Yesterday I spoke to a prison governor who made the point that all prisons work with 32 different local authorities that all have their own priorities and

budget difficulties. Local authorities—basically, the community that lies outside the prison—present another difficulty because nothing is joined up. Different prisons and local authorities have different priorities. If we want to involve the community, local authorities have to have similar involvement and a proper strategy—that is something that governors have also mentioned to me.

The Convener: We heard about individual prisoner plans. Is that not what they are for?

Neil Powrie: Yes, but different local authorities still have different policies. The people who attend the community justice authorities come from different organisations and have their own priorities and difficulties. We need a review of the implementation of policies and strategies throughout the whole system, and everyone needs to be singing from the same hymn sheet. Others have already made that point.

Graeme Pearson: Remand prisoners were mentioned, and, having visited prisons, I have thought about their situation. If anyone on the panel wants to comment, they should feel free.

It seems to me that a remand prisoner knows that they will be there for a limited time because they are waiting for a trial. I imagine that, in those circumstances, a prisoner has a great deal more on their mind than popping along to some opportunity for education or other cultural interest. There is a real challenge for prisons to divert someone's attention away from the pressing issue of what will happen to them, and we need to take that on board.

In response to Alison McInnes, Neil Powrie acknowledged that there is a plethora of organisations to service the needs of prisons. The sheer number of people who are queuing up to provide services, the corporacy of the delivery, and the ability to deliver services sensibly have been a worry for us all. However, I note that Positive Prison's submission shows that it was incorporated only in September last year, so presumably it identified a gap in those provisions.

In our evidence session last week, I mentioned to the panel that, in my view, we need not so much purposeful activity as activity that has an identified purpose. I think that the public are looking for a purpose that begins to reduce reoffending. Although a lot of virtuous work is being done in prison, I was left with a vagueness about whether the work has a purpose that is positive to the extent that we could promote it to the public as being worth the investment. Do you have any views on that?

10:30

Pete White: First, thank you for noting the youth of our organisation.

Graeme Pearson: But not its members.

The Convener: Oh heavens! Pots and kettles. *[Laughter.]*

Pete White: Thank you. I merely represent a larger group.

Before we applied to become a charity and therefore become real, we discussed how we would never seek simply to become part of the machine that services prisons, prisoners and people who have been through prisons; we see ourselves more as the lubricating oil in the machine that tries to help it to mesh together and work better for the individual. We are not here as a service provider that is in it for the money; we are in it because, as a group of five people who came out of prison and did not go back into any part of the justice system, we agreed that we could share our experience with the people still inside the system, so that they could understand everything that we encountered along our way and so that we could help them to understand that what we did is possible, but not easy.

Barriers are put in place partly by law, partly by habit and partly out of badness and all those barriers need to be identified and somehow changed, but the only way to help someone to overcome them is to walk with them. We are there not to make decisions for people, but to help them to identify what they can see as possible for themselves. They then need to work on realising the worth of what is being offered to them—whether that is provided within the prison or in some other way as part of their sentence—as something that will help to build them in a way that they might previously never have recognised as possible. Through that process, if people come out of prison having participated in some purposeful activity that has helped them to move forward from the way that they were when they came in, they will leave having a better chance of not going back. We support that. We will support anyone who is able and willing to do the work inside the prison, and we will guide people towards those bits of work.

Brigadier Monro: I will pick up two of your points. On the public piece, I entirely agree that we do not explain what purposeful activity is all about, which is perhaps one reason why the media fill the vacuum with whatever comes to their minds, which is almost always negative. Public money is making all those activities happen, so I think that the public have a right to know and to understand what on earth is going on. In a way, that also relates to the throughcare piece. Given that we are not even delivering activity to prisoners in the

community in that way, why should the public understand it any more than the prisoners do? We have got to up our game on that.

On your important point about remand prisoners, I have constantly talked about the way in which untried prisoners on remand are treated, which I think is wrong. I entirely take your point that remand prisoners have a lot on their minds and that they and their families—in particular, those of younger prisoners—have a lot to understand. However, I think that lots of untried people in prison do not even understand what their lawyer is talking to them about because they cannot read the piece of paper that they are being asked to try to understand. We need to do much better. I am not saying that we should treat remand prisoners like sentenced prisoners—we should treat them as if they were not yet found guilty or not yet sentenced—but we need to reach out to them to help them.

We need to improve family access. We do not do family access well. As I have said when I have appeared in front of this committee on previous occasions, the family just come in for a visit and then go out again. We do not engage with the prisoner or link with the family or the community. We could do so much better on that—and do it more intelligently. Just doing it in the way in which it has always been done is not good enough. We must do better for prisoners on remand. We must engage them, because if they are not out of their cell on a visit, they are probably locked up. That is what is going on. I go along with what Mr White said about walking with them: this is a classic case of us having to walk with people who have not yet been found guilty.

Dr Edgar: I thank Graeme Pearson for those questions.

The first point that I will make is about the purpose of activity. A man I spoke to who knew that he was facing a seven-year sentence said to the officer when the door opened, “What can I do to make this time mean something to the people out there?” and the officer looked at him as though he was from another planet. That is a shame; that is not what we would hope for.

I agree that society should expect a reduced risk of reoffending, but it might be beneficial to broaden the definition of purposeful activity. Too often what is purposeful is defined by what is provided, rather than by what prisoners can do and what they have an interest in. Something that the prisoner thinks makes their time meaningful should be part of the mix of what makes activity purposeful. There should be opportunities to prepare for resettlement. The community reintegration work is excellent, but it should be central to purposeful activity. Restorative justice should also be part of it. As Brigadier Monro said,

work with families is crucial. This would not be time out of cell, but somebody sitting in their cell composing a letter to their son to apologise for missing his birthday would be incredibly purposeful in that they would be trying to rebuild family ties. Those are some examples of how purposeful activity can be defined in a slightly broader way, which I hope is helpful.

I will also comment on the problem of short-term and remand prisoners. I take the point that somebody can get part way through a course and then be transferred to another prison and lose all the educational benefit and so forth, and I take Graeme Pearson’s point that their minds are focused elsewhere. However, the Prison Reform Trust has seen lots of examples where turnover is predicted and worked with. There is, for example, a bicycle workshop that offers a rolling programme in which people can pick up skills. If they are in the prison for a long time they can get a national vocational qualification, but even if they are there for only a short time, they can learn a bit before they move on. The Alternatives to Violence Project, which I believe is involved in Addiewell, offers a three-day workshop that helps people learn to manage conflict better.

There is also shadowing and holding—let us take them one by one. If there is a quick turnover in a prison, the first week that someone is in they shadow the prisoner rep, so that when they move on, as they inevitably will, they will have had experience and will be able to move into that role. Holding means that if a prison has someone in a particular role, they can make the decision to hold on to them for a length of time to keep them in that role.

As a representative of the Prison Reform Trust, I cannot resist making the obvious point that one solution for short sentences that has not been explored enough is not sending people to prison.

The Convener: There has been a lot of debate in the Parliament and at large about that. That debate has been opened up.

Neil Powrie: I agree with everything that Brigadier Monro said about remand prisoners. There needs to be a great deal of focus on that. To pick up Mr Pearson’s question about purposeful activity, that is of course covered in rule 84(1) of the Prisons and Young Offender Institutions (Scotland) Rules 2011, which states:

“The Governor must provide a range of purposeful activities for prisoners which, so far as reasonably practicable, takes into account—

(a) the interests and need of prisoners to obtain skills and experience which will be of use to them after their release; and

(b) the requirements of the operation and maintenance of the prison.”

We have picked that up, because there seems to be an emphasis on fulfilling rule 84(1)(b), to the detriment of the individual prisoner's progression. The activity of spending one's sentence as a passman with a mop and bucket is purposeful and it can be evaluated and assessed—is everything spick and span and clean?—but does it fulfil rule 84(1)(a)? The answer is probably no. Taking Perth prison as an example, as of yesterday there are 96 passmen there. They are spending their time in prison assisting to fulfil requirement 84(1)(b). I leave it to you to think about whether that is purposeful activity.

The Convener: What is a passman?

Neil Powrie: It is a prisoner who has a pass—

The Convener: A privilege.

Neil Powrie: The prisoner has the privilege to access various parts of the prison to work and assist. They might be in the main administration block, providing staff with teas and coffees. They might, for instance, be cleaning the wings or the toilets.

Graeme Pearson: Presumably those passmen will be included in the returns that say that purposeful activity has been achieved.

Neil Powrie: Exactly.

Graeme Pearson: It is difficult from the public's viewpoint to see where the positive outcome is there.

Neil Powrie: That is right. It is.

Colin Keir (Edinburgh Western) (SNP): It has all been very interesting this morning, talking about what is available, the lack of things or whatever. How do we encourage people who have been convicted and given a short-term sentence—of two, four or five years, say—and who, because of a chaotic lifestyle, have absolutely no interest in taking on any form of purposeful activity? Where do you start? Allowing for the fact that everyone is an individual and is different, how long a programme would be required before we could reasonably expect somebody to bring back some degree of management to their lives?

Brigadier Monro: I am not trying to demean any individual prisoners, but there are three broad parts of the prison population. There are those who can't work, those who won't work and those who are desperately keen to work or take part in activity. The can't works are people who have mental health or physical problems that need to be dealt with in a particular way. Some prisons are good at that—the day care unit at Barlinnie is a classic example—and some prisons are not. The won't works just do not want to engage—they may have an addiction, for example—but they are determined not to engage or they have not been

encouraged to do so. Both those groups really need to be concentrated on.

I have just completed an inspection at Polmont. It was obvious that there were plenty of young men who were desperately keen to work, as well as a large chunk of prisoners who were just not engaging at all. What we must do for the can't works is relatively simple. The Barlinnie day care unit, for example, offers a classic way of dealing with individual mental or physical issues that can be dealt with. That may require resourcing; it may not. It might just require some empathy and engagement, either in the hall or through providing a unit outside the hall. It is the won't works that you are asking about, I think, and that is where a lot of work needs to be done. A lot of work could and should be done with that group on alcohol and/or drugs addiction.

I constantly criticise—and may have done so in front of the committee—the personal officer scheme, whereby the Prison Service has staff who should be trained in the mentoring of and engagement with prisoners. That must be improved and I have called for that to be done. There is a way of meeting those prisoners, either in the halls or elsewhere, and trying to persuade, mentor and encourage them. It is a matter of showing them, for example, that education is not about school, but is about bettering yourself. There are many ways of dealing with the won't works, and that is the issue that must and can be addressed.

10:45

The Convener: Why is the personal officer scheme not working?

Brigadier Monro: That is a long saga.

The Convener: In bullet points.

Brigadier Monro: This is in all my annual reports. The scheme that has been laid down does not identify how the training will be done, how prison officers will be encouraged to take part, how they will be evaluated or how to get the best prison officers involved. Not all prison officers are good at this sort of thing. We need to find out who the best prison officers are to do this, give them the best training that we can and ensure that they are aligned with the most suitable prisoners. Then, we would see a really good outcome.

The Convener: I am not saying that they would be in it only for the money, but would prison officers get some—

Brigadier Monro: No—it is agreed with the union. It is an agreed strategy. It is just not being delivered as well as it should be.

The Convener: Mr White was smiling while you were speaking—whether in agreement or wryly—

Brigadier Monro: He usually smiles at me. I never know whether he is being patronising or just keeping up with my jokes.

The Convener: We are about to find out.

Pete White: First, I am smiling because I always enjoy the way in which the Brigadier expresses himself. Secondly, the fact that he always agrees with me is even better. Finally, I am smiling at the way in which we can categorise prisoners into three distinct types. I agree with the Brigadier that there are the can't works, and I agree that there are those who are interested, willing and keen to work. I would not describe the ones in the middle as "won't work". They have no idea what work is. Their upbringing and background are such that they—

The Convener: In fairness to the Brigadier, he is nodding in agreement. That would not have been on the record, but it is now.

Pete White: Thank you. It comes back to the thing about needing to recognise the needs of individuals. Ninety per cent of the Scottish prison population come from the most deprived parts of our country. The fact that they have ended up in jail will, for some of them, have been part of their trajectory from before they were born. The throughcare does not just happen after prison. It is before care that could help a lot of people—although that is perhaps beyond the remit of the committee.

The oversimplification of different types of prisoner is a risk that we run. We have to start with broad-brush strokes to sort out the edges of the rainbow, but we need to recognise all the other parts of the rainbow in between and do our best to help people recognise that, even though they do not know what work looks like—they do not even know what purposeful activity looks like—it is something that they can engage in. It is wrong to say that that is for their improvement or betterment—it is just for themselves. If they can discover that they have a worth at something that is not bad, that would be a good start.

Dr Edgar: Again, I am grateful for the question. One of the Prison Reform Trust's "No One Knows" publications examined how to engage people in prison who have learning disabilities and learning difficulties.

People who end up in prison have not been accustomed to taking responsibility and it is important to work with them at the level at which they are. To take an example involving a bicycle workshop again, the instructor told me that he is not upset if somebody cannot do something after he has shown him two or three times; what he

gets upset about is if somebody is nicking tools from the workshop or disrupting the work. If somebody is honestly trying, he will work with them at the level at which they present themselves.

It is worth reflecting on the fact that, because prisons are a coercive environment, people will sometimes not willingly engage with a prison officer, because they see them as the opposition or whatever. In some cases, there needs to be a bridge—there needs to be somebody they can both trust. That is where the voluntary sector comes in. It might be that the prisoner will not open up to a prison officer who is their personal officer, but that prisoner may well speak openly to and engage with somebody from the voluntary sector coming in, because of their perceived neutrality. Those are two practical points.

The Convener: Do you wish to respond to that, Mr White?

Pete White: I would like to build on that point, yes. At a recent meeting that I attended in Barlinnie, when some of the prisoners we met there found that we had been prisoners ourselves, they said that, if we were to come and ask them a question about a course that they might want to do, and a uniform were to come and ask them, they would give two entirely different answers. The first answer, to the uniform, would be yes—because if they said no they would have a black mark against them and something would be done to discourage them from disagreeing with an offer from a uniform again. If an individual who was not part of the uniform team were to ask the same question, it would be met with responses like, "What's in it for me?", "How does it fit with where I'm going?" and "What happens if I say no?" That shines a light on what Dr Edgar has just said about somebody in between the uniform and the prisoner being a help.

One thing that I omitted to say following what Brigadier Monro said is that prison staff deserve a huge amount of respect for what they do, given what they are paid and how they are supported to do it. They are a resource that needs to be sustained and nourished in a way that I would never have believed I would be talking about now, having been on the receiving end of some of their clumsier antics. They are a resource that need to be recognised and helped in establishing their self-worth and fulfilling their potential.

The Convener: The committee would endorse that. Some aspects of the tabloid view, that prison officers are turnkeys or whatever, is nonsense. Prisoners and the staff are in the same building all day long together, and relationships of a sort have to be built in order for the prison to operate.

Pete White: Yes.

Neil Powrie: I whole-heartedly agree with the sentiments that Mr White has just expressed. My colleagues and I in the AVC have nothing but the highest possible regard for the ordinary prison staff, who do a fantastic job. In many cases, they are unsung heroes.

We are talking about encouraging people to come to education, which is the key to everything. One of the barriers to that, which we mention in our submission, is the pay difference. Education is the worst paid activity, yet it can be one of the most challenging things that a prisoner can do inside a prison. Taking up an education course is not easy, it is difficult and challenging but it pays the least amount. In the main, most prisoners cannot think to a far horizon—it is more about the short-term thinking that they can earn far more doing an ordinary job and they want the money. That should be looked into urgently, because it is something that all my colleagues have picked up on a regular basis. It is an impediment to prisoners taking up education.

Roderick Campbell (North East Fife) (SNP): Good morning, gentlemen. I will turn the clock back slightly to talk a bit more about national strategy. Mr White, you wrote in your submission about a general consistency among education services and physical activity. You stated, however:

“Outwith education and physical activity it appears as though there is no consistency of provision of purposeful activity across the prison estate.”

That seems also to be the opinion of Mr Powrie. I want to probe the pros and cons of having a national strategy—we talked about there being 32 local authorities. I am not quite sure what your view is overall, Brigadier, on that move.

On a couple of smaller points, I note Mr Powrie’s comments in relation to making greater use of the open estate, which might improve levels of purposeful activity prior to release. There is also the question whether we could improve the use of civilian staff in charge of workshops.

Brigadier Monro: Having a national strategy is complicated, in that not all prisons are the same. They have different populations—whether it is Shotts dealing principally with long-term prisoners, or Cornton Vale, or prisons dealing more with short-term prisoners, or Glenochil with its sex offender population and so on. It is a difficult and different scene—both the national scene and the local scene. It is a difficult matter, not just with regard to local authorities or CJAs, which do not match up with local authorities. I do not think that any of this is easy but, if we are going to do a national review, a national strategy could take account of all those variances and that would not be too difficult to do. It should be ensured that there is a strategy for sex offenders, a strategy for

women and a strategy for long termers, who have completely different issues from people who are in the revolving door. It is perfectly possible to do that, so a national review might take that up and allow us to consider how to take that forward.

That is probably enough to be going on with.

Neil Powrie: The issue that you mentioned regarding civilians in workshops, Mr Campbell, is an important one. A report from one prison governor written just this week states, in relation to staffing within regimes:

“However, when some staff are on leave, their workshop will either be unoccupied or working at reduced prisoner numbers.”

In the main, when there are staff difficulties in other parts of the prison, the first thing to take a hit is the workshop. In my experience, if the prison officer who is the key person for the workshop is off ill or on leave—referring to that comment from the governor—the workshop is the first to take the hit. Not for the first time, I saw a painters workshop close down because the prison officer involved was given a promotion or was seconded to a national project. At Noranside, the workshop for VT painters—vocational training painters—was closed down because the officer was moved. It never reopened, despite the fact that people who got qualifications told me, “I’ve got a job with my uncle, who runs a painters business.” That was another difficulty. In the case of Polmont, as we highlighted in our submission, an officer was running the library and, when he was given promotion, the library was closed for 16 months. That is an issue, and I am glad that you have raised it. That may or may not be as widespread as we think but, if it happens and it hinders the rehabilitation of one prisoner, that is wrong.

Dr Edgar: I will pick up on the role of prison officers. At their best, prison officers recognise and encourage prisoners when they achieve things and when they show aptitude for something. However, there is very little structural support for that kind of approach, by which I mean that, although prisons are very good at recording information about people’s risk factors and they are rather good at recording information about prisoners’ needs, there does not seem to be a systematic, structural way of recording prisoners’ aptitudes, interests and when they demonstrate empathy or generosity. There is no sharing of information about a prisoner who might be particularly good in a particular role. If that were worked into a national strategy, so that we recognised that we had to pay attention to the whole person—not just their deficits and risk factors but what they are good at—that would make a huge difference to purposeful activity.

Pete White: Regarding the national strategy and the potential for a review to develop a new

one, if we were to go back to the model of putting the prisoners' needs at the heart of the system, rather than putting the needs of the system first, that would be good. To develop some consistency across the estate would mean that, if people were moved from one prison to another, for whatever reason, they could continue with what they were doing.

Having civilian staff in some workshops is one way in which the idea of the permeable prison wall can be effected. To see somebody coming and going who is there to help people work and learn in a practical, educational or artistic way, to meet them and to recognise that those individuals see the worth of each prisoner they are working with is a subtle but strong way to take things forward.

The Convener: Thanks. I am trying to—

11:00

Roderick Campbell: Just briefly, convener. None of the witnesses has taken up the point on greater use of the open estate as part of resettlement in the community. Can anyone comment briefly on that?

The Convener: You were telling me that I should move things along.

Roderick Campbell: Yes.

The Convener: Mr White has a response.

Pete White: The open estate facility could be enhanced and developed in a great many ways. It should not be located in just one or two places, but added to prisons to improve their community engagement. The idea of having some of the new parts of HMP Grampian as family integration units and so on would be a great way forward. It would be excellent if every prison had the open estate and prisons became places where people—not just men and not just women—were given a chance to acknowledge that they had done something wrong and were helped back on to the path to the community.

The Convener: I will take a brief, final question from Alison McInnes.

Alison McInnes: Mr White started to articulate what I want to explore. There are threads running through the written evidence about the arbitrary nature of allocations; classes and workshops being stopped because of sick leave or holidays; interruptions because of prison transfers; and family contact being used as an incentive for good behaviour, rather than acknowledged as a right for the family or a prisoner's child. It seems to me that the establishment itself is more important than the individual in that regard. What do we need to do to change that? Where does the change need to come?

There is reference in the written submissions to the entrenched attitudes of staff and the lack of flexibility. My visit to Addiewell prison last week showed me that while there are things that can be improved there, it is quicker to respond to differing needs and can change more quickly. I would be grateful for the panel's views on the real barriers to change in the system.

The Convener: That seems to me to require very long answers.

Alison McInnes: Sorry.

The Convener: Can I just leave that question? Listing the barriers will require quite substantive responses from the witnesses.

Alison McInnes: Convener, we have talked a lot about what the problems are. It would be a useful way to wrap up the discussion to identify what key changes we need to see.

The Convener: Quite a few were mentioned en route and I am sure that you heard them all. I am conscious of the time, which is not my barrier, but the committee's. However, I will ask the witnesses to respond to Alison McInnes's question, starting with Dr Edgar.

Dr Edgar: Thank you for the question, which I will answer quickly. Our report on resettlement, "Out for Good", argues that prisoners are prepared for dependency and that prisons must start sharing responsibility with them. The minute that prisoners are out of the prison door, they get responsibility for housing, jobs, income, debt and so forth. If prisons want to prepare people for release, they need to share responsibility more with prisoners than they do at present.

Pete White: Sharing responsibility is an excellent example of what is possible, but it should start as soon as someone goes into prison and not just when they approach the end of their sentence. The use of language is a fascinating issue. If we do not use the word "establishment" with regard to prison, what have we got? A prison is a place where people are kept away from the rest of the community. We need to work out what that means. I think that the entrenched views and attitudes are being changed quite significantly at some levels, but it will take a lot more time for the jungle drums to get all the way through to the uniforms on the wings.

Brigadier Monro: There are cultural issues and systemic issues. Having spoken to the chief executive about my soon-to-be published report on Polmont, I think that he well realises and understands that.

The Convener: Alison McInnes and I visited Polmont recently.

Neil Powrie: I should say that I serve on the open estate and, since Noranside closed, there have almost permanently been 65 vacancies in the open estate.

I will wind up by saying that I think that we need to look at the issues of remand prisoners, short-term prisoners, access to workshops and who runs them. Further, we must have a far more joined-up strategy throughout not only the prison service but all the other agencies that are involved in a rather fragmented manner—the landscape is completely cluttered. Those are the main issues that must be addressed. However, the focus must be education.

The Convener: I am sorry that I must move things along, but I want to move on to the next panel. I thank you all very much for your interesting evidence and written submissions. I think that there are practical solutions in there for us, if we can deliver them. Certainly, the Government and the SPS ought to.

I suspend the meeting for five minutes to let the committee have a break.

11:05

Meeting suspended.

11:10

On resuming—

The Convener: With our second panel of witnesses we will focus on the practicalities of purposeful activity for prisoners, some of which we raised with the previous panel; the witnesses will know that, as they were sitting in the public gallery. I welcome to the meeting Alan Staff, chief executive of Apex Scotland; Katharine Brash, assistant head of school, offender learning and skills, Carnegie College; Andy Martin, chief executive of Martin Plant Hire; and Kirsten Sams, manager, offender learning and skills, Motherwell College.

I invite questions from members.

Roderick Campbell: What should the committee take on board as the most important aspect of purposeful activity?

Andy Martin (Martin Plant Hire): I think that training for inmates is the biggest thing. We took five or six prisoners on placement across a number of our depots. We provided them with training, which gave them the potential for full-time employment when they were released. We have taken on one chap, which has worked out extremely well.

We are in the throes of setting up workshops with the idea of getting Scottish vocational

qualifications for the guys involved, through whatever training we can provide, which will make them more available for employment when they are released.

The Convener: Where are you setting up the workshops? Is it in prison?

Andy Martin: We are setting up a workshop in Barlinnie and in Castle Huntly.

Alan Staff (Apex Scotland): I have three points to make. First, any training or purposeful activity must take into account the fact that, although literacy and numeracy are important, the ability to communicate is even more important. Somebody who can read and write might still be unable to communicate with others. Secondly, behavioural intelligence is vital. Often, what keeps people in prison and makes it difficult for them to get employment out of prison is a particular combination of aptitude and attitude rather than the skills that they have. Employers look for a good attitude as much as anything else. Finally, there was discussion earlier about behavioural change and reducing reoffending. Behaviour change, if it is not reinforced regularly, will revert in the face of negative reinforcement. Prison is a bubble.

The Convener: We know that.

Alan Staff: If there is negative reinforcement when a person comes out of prison because they return to a chaotic lifestyle, their behaviour change is gone. It is important that there is joined-up thinking and work between the prison and the community.

Katharine Brash (Carnegie College): For me, one of the great things about purposeful activity when it works is that it can generate a paradigm shift for prisoners. In my experience, many prisoners just do not see a different future for themselves. They see themselves on a perpetual cycle and they do not know how to get off it—they cannot see a way out.

Purposeful activity is about increasing people's skills, whether they are soft skills or technical skills. However, it is important that the person understands what they are acquiring when they undertake various activities. To return to Alan Staff's point, oral communication is important—for example, the use of register and tone when communicating with someone. The prisoner must understand what they are learning and acquiring.

11:15

Kirsten Sams (Motherwell College): Rod Campbell asked about the most important aspect of purposeful activity. We need to take into account the prisoner's needs, so it is important that there is a wide range of purposeful activity of

all types. In thinking about what will benefit the prisoner most, rather than say that one type of purposeful activity is necessarily more important than another, we must take into account the range of options and direct the prisoner to the appropriate intervention or combination of interventions.

The previous panel made points about the importance of prisoners being actively engaged in purposeful activity and understanding its meaning for them.

The Convener: Will you pick up on that issue of what is in it for them? I rather liked the reference that a previous witness made to a prisoner saying, "What's in it for me?" How do you impart what is in it for them?

Kirsten Sams: Prisoners must be involved as much as possible in decisions about the type of activity that they engage in. We are doing some work on learner forums, which involves trying to engage prisoners more proactively in the work of the learning centre. That has an impact on the prisoners' level of engagement. It is important that our staff can demonstrate to prisoners the potential longer-term benefit that activity in prisons might have for them. Inevitably, the prisoners are focused on the present and the particular world of the prison and they have perhaps lost sight of their longer-term future.

Alan Staff: Apex runs a social enterprise called All Cleaned Up, which is a commercial cleaning company that works in Edinburgh. We employ people who have an offending background to allow them to get a period of work under their belts and to get a CV that will improve their employment prospects. That is made known in the prison—the offer is that if someone takes the relevant courses, they will have the opportunity to come on to that programme.

We need to offer an incentive; it is not good enough to tell someone that their employment prospects might be improved if they take a course. That is not the real world. However, if we can say that we will interview people for the programme if they take a course—so something definite will come out of it—that is a bit more real for such people, who are promised a lot in life and who very rarely believe it.

Colin Keir: My question is similar to the one that I asked the previous panel. How do you encourage those who have been identified as the won't works to take part? What practical steps do you take? You have mentioned some measures, but I assume that those mostly involve the prisoners who are considering work. Although there are problems with people on remand, I am thinking particularly about short termers, whom the Prison Service is having difficulty reaching out to.

How do you encourage those who are hard and fast in their wish not to work or to do anything to take part in purposeful work or education?

Kirsten Sams: We do that through a variety of methods. On education, the learning providers are proactive in advertising the learning centre services. That can be done in a range of creative and innovative ways, such as via prison radio. We have recently established a new prison arts magazine through which we can advertise and raise the profile of the learning centre.

Aside from those marketing approaches, we could do a lot more in collaboration with the prison. There was discussion with the earlier panel about personal officers. We believe that it would greatly improve the uptake of education in prisons to have dedicated officers allocated to the learning centre who get to know the learning staff well, who understand the benefits of education and who can promote that in the halls to prisoners and their colleagues. That is one practical way of raising awareness among prisoners of the benefits of education.

I would like to correct any impression that remand prisoners have no access to education. Certainly in Barlinnie and in Cornton Vale, we work with remand prisoners. The issue with remand and short-term prisoners is more about how we can ensure that there is a meaningful engagement, given the short period of time for which they are with us. That has implications for the methodologies that our staff use in their approach to prisoners.

The Convener: We are aware that it is possible for remand prisoners to access education programmes, but the issue is whether, apart from being in prison for only a short term, they perhaps do not utilise that access for the reasons that Graeme Pearson and I raised.

Alan Staff: I challenge the notion about the won't work prisoners. I understand that the term is being used as a shorthand, but you cannot group a whole chunk—30 per cent—of prisoners in that way.

The Convener: In fairness, Brigadier Monro agreed afterwards with Mr White's analysis, so I think that we have dispensed with that.

Colin Keir: On our trip to Edinburgh prison, the prison officers whom we spoke to highlighted a group of prisoners as being people who are very difficult to get to and who do not wish to work, so they need to be dealt with in a slightly different manner. I understand your point about not agreeing with the terminology that was used by the previous witnesses, but from what I could see on my visit I think that it would be wrong to say that those people do not actually exist.

Alan Staff: It rather depends on what you are trying to get the prisoners to do. There are people who would challenge the notion that menial labour has some sort of nobility. The reward may not be great enough. Many people have the experience of taking on a low-paid menial job at a lesser income than they could get through their criminal activity but with no status, whereas they may have had some sort of status. A lot of things might make a person reluctant to be forced into a particular type of labour, but that does not mean that they have no intention of ever working.

We have had people who had real problems in industrial settings, but when we took them out for an ecology course involving hard physical labour, where they were virtually on their own out in the woods, they were suddenly transformed. They were not in an environment surrounded by lots of people and no space, where they did not work well; suddenly, they had space. Many of those people used to work the land, but they cannot do so now because that work is not available.

Sometimes we need to be flexible about what we try to get people to do. We need to give them opportunities rather than just write them off as the won't works because they will not go down a particular route. I would be cautious about that approach. It is important to allow flexibility and to take the individual as an individual when considering these issues.

Katharine Brash: I think that we also have a cultural issue in the Scottish Prison Service. Many of the SPS staff are good at encouraging prisoners to attend programmes and to get out of their cell, but there is perhaps a lack of awareness of the value of education. There may also be a lack of understanding of special educational needs, so perhaps lots of things are missed in the halls.

To get prisoners to engage, it is important that we offer in prison a service that, in so far as is possible, is reflective of learning in the community. Nowadays, it is very difficult to do that without access, or without secure access, to the internet. We could do much more to make things more relevant in providing themed work and project work, and by linking back into the prisoners' interests.

It is also about links with the family. Many prisoners engage in education because they want to help their children with their homework or because they want to be able to send letters, pictures, art—anything at all. If we have the technological resources to enable them to do that, that can be a great hook.

The Convener: There are issues to do with the internet, are there not?

Katharine Brash: Yes and no. Internet access can be secure. In prisons in England there is the

virtual campus, which has a list of secure sites that can be accessed. The other good thing about the virtual campus is that prisoners' learning and achievements can be stored while they are in prison and accessed when they are outside, so there is a seamless link.

Schools are using e-portfolio, so Polmont prison will soon have prisoners who have experience of that. They cannot have seamless access to e-portfolio unless there is access to the internet.

The Convener: Will you explain what the virtual campus is, for the record?

Katharine Brash: MegaNexus—

The Convener: Sorry?

Katharine Brash: MegaNexus, which is just one option, provides a secure platform whereby there can be secure access to the internet and a virtual learning environment—it is like Moodle in colleges and glow in schools. It is about using such technology to bring the outside world into the prison. We cannot take prisoners outside, so it is important to bring as much in from outside as we can do.

Kirsten Sams: Access to the internet is also important for staff, because resources for staff are increasingly online. The Scottish Prison Service is looking at the use of internet in prisons and the potential for limited access to secure sites. Access would make a huge difference to the delivery of education.

The Convener: Mr Martin, do you want to talk about the so-called won't works?

Andy Martin: It is about being as practical as possible, taking into consideration the people whom we are dealing with. We have run jobs fairs and done a presentation and I am blatantly obvious about what is in it for them: training and opportunities to have enhanced skills and secure employment if and when they get released, because a number of prisoners worry about it.

The Convener: They worry about—?

Andy Martin: Getting employment when they get out.

The Convener: And do they?

Andy Martin: We have employed one out of, I think, three who have come through us and been released. We took on one person. We are in discussions at the moment, and under the contract that we will have we will give prisoners the opportunity to attend an interview with us. If the person best suits the vacancy, we will certainly give them the first opportunity.

Alison McInnes: The convener and I visited Polmont a few weeks ago. In the learning centre,

people seemed to be almost resigned to a third of prisoners never engaging with them. It is important to break that down. Two things are going on in the prison. First, there is the youth and community work approach with which we are familiar from our communities, which is run through Barnardo's. A youth worker sits down with a group of young people who are not engaged with anything, to talk to them and build relationships, with a view to finding the trigger that will get them into education.

Secondly, there is a more traditional approach, in which the college says, "These are the courses we're running and we encourage you to come along, but we have to get on and run them." Are colleges given enough time and space to work with prisoners in a less structured way and to try to tailor courses to their needs?

Katharine Brash: No. We are very much tied by the commercial contract that we have. The contract has been evolving over the past few years. Carnegie College has worked with the Scottish Prison Service since 2000—I have been doing so since the late 1990s—and there have been vast improvements. Education Scotland's approach and style is also evolving.

11:30

A difficulty is that there is a misalignment between what we are being asked to deliver and what we would like to have, in terms of performance measures. We are not getting a true reflection of the work that is being done, because many of the performance measures are quantitative. In addition, the governors' targets do not dovetail well with the contract.

As I said, we are very much tied but there is some scope within that. The focus is on literacy and numeracy, and we have the ability to run projects using different themes and arts to embed those skills. However, an element of the contract is a demand on us for discrete delivery of literacy and numeracy, which is not really the way in which to engage people who have disengaged from learning. If we just invite people to come along to a numeracy class or a maths class, that does not work. However, if we invite them to a guitar class in which we have embedded numeracy so that they can acquire a numeracy qualification, that is a better way of reaching them. Offering discrete delivery is not the best way.

Alison McInnes: That is very helpful.

Kirsten Sams: I want to reinforce what Katharine Brash has said. One of the main comments in the recent national review of offender learning was on the lack of research evidence about the impact of a lot of activity in prisons, including education. That is a major area that needs to be developed because of the difficulty in

identifying impact measures. People have tended to fall back on counting inputs and outputs, which tends to be around the numbers of individuals who engage or achieve a qualification, rather than asking what impact the engagement has on people and how it improves their prospects on release. There is significant scope for more research into the issue.

Proper academic research has never been done on the number of individuals in prison who have severe literacy and numeracy issues. Anecdotally, it would seem that there is a high number of such individuals, but large numbers also function at access 3 and intermediate 1 level, which means that they are not totally unable to read and write. Others function at a much higher level, so the scope there for peer support and peer tutoring is substantial.

Education has always been quite low profile in prisons because of the size of the service and the extent of its funding. It has almost been a small service on the side that is not always properly integrated with other activities in prisons. More attention must be paid to the potential benefit of education. We do not know how long individual prisoners engage with education. We know how many go through education, but we do not know how long, on average, they spend on education.

In the earlier evidence session, someone asked how long an intervention must last before it has some impact. That is a difficult question to answer, but research in England suggests that at least 100 hours of high-quality professional intervention with somebody is needed in order for it to have some impact. We just do not know how many people are getting that level of impact and how many are just spending a few hours each week on education.

The Convener: Are you saying that the way in which the contract operates for the colleges, which is not your fault, is a waste of public money? Are you saying that it is wasting your time, public funding and, to an extent, the prisoners' time? They might be in a class, but you are not allowed to do what you called embedding and what I used to call sneaky teaching, which is when people are learning although they do not know that they are. That kind of thing happens in the Martin Plant Hire workshops for prisoners, which were referred to earlier, because they have to count and read instructions. How do we change the way the contract operates in practice? It seems that everybody knows that it is wrong.

Katharine Brash: Yes. It is about the way in which the performance measures were put together. There is on-going discussion about how we can manage the process better.

To give an example, we have staff who go into the work sheds in Polmont, and they do some

great work, supporting the SPS staff. The prisoners achieve units as a result. In other prisons, however, we are not permitted to do that, because of the conflict in achieving the prisoner learning hour target. The hours that are spent in education contribute to purposeful activity hours. If those hours are being delivered discretely in the learning centre, they stand on their own and go into that big pot whereas, in a contextualised environment, they cannot be counted twice. There is a conflict in how things are measured.

The Convener: We should be measuring the outcomes—to use that famous word.

Katharine Brash: Absolutely.

The Convener: I think that Alison McInnes would agree that what we saw in Polmont was along those lines: things were more successful when they were done incidentally.

Alison McInnes: This has been really interesting. Without a doubt, there is a need to examine the performance measures, and that might provide one of the keys. There is also the point about the flexibility that is required to be able to respond.

I noticed that the system at Addiewell, which has a different regime, seems much more fleet of foot—it seems to be able to respond more quickly to prisoners' needs. If something is successful, more of it can be put on; if it is not successful, the finances can be shifted to something else. You seem to be up against it in that regard. You spoke about needing to be able to measure what people are doing. I am astonished to find that we do not have proper, quantifiable data in the way that Brigadier Monro discussed earlier. Is there any other campus in Scotland that would operate in that way in this day and age?

Katharine Brash: I should add that we have just brought in a mapping tool, which is in line with much of the direction of travel for Education Scotland. That is an attempt to measure, or to let the prisoners know, what exactly they are learning. It is also a way of letting the Prison Service understand exactly what the prisoner is achieving from any particular activity. Any formal or non-formal piece of activity or work will be fed through the mapping tool, which will throw out a profile of all the essential skills that have been picked up in doing the activity. The tool will also provide a profile from curriculum for excellence, so that we can get the information back to the learner as well as across to the Prison Service.

Sandra White: There are loads of questions that I would like to ask, but I will stick with one that I asked previously, and will perhaps expand on it. We are all agreed that we are most concerned with short-term and remand prisoners. I was

touched by Mr White's comment that prisoners might serve

“a life sentence by short instalments”.

That really hit home.

My previous question was to ask what can the Prison Service and the prisons do to engage more with employers and the community. I have seen the work that has been done in Barlinnie with Motherwell College, Martin Plant Hire, the Bike Station and, I think, Wickes, along with voluntary sector organisations. Mr Martin mentioned working in Barlinnie on creating a work shed. Colleges, too, have been discussing variety and continuity. In the open estate, would it be better in the long run for remand and short-term prisoners to be able to go out, rather than your having to go into the prisons?

Andy Martin: Yes; that would very definitely be better. We have offered a number of placements on an on-going basis. We have a prisoner working with us in Dundee, one in Perth and three in Glasgow. The prisoners in Glasgow travel to and from work with no problem at all. We interviewed them because we wanted to find out their particular interests. Two of them have been involved in jobs painting and as storemen—doing general tidying up and stuff. One prisoner was very interested in doing mechanics; he has worked with us for six months or so and has been transferred from Barlinnie to Castle Huntly. We hope either that we will work with him in the workshop that we are setting up in Castle Huntly, or that he will come on a placement with us in Dundee or Perth. We are also hoping for continuity to keep that process going. He has an eye for the role and, when he is released, he is somebody who, should a vacancy arise, we would consider interviewing and taking on.

Kirsten Sams: Encouraging and supporting people to continue their education or training on release is difficult. Barlinnie has links with community learning and development at Glasgow City Council, which has a support worker who works with four prisons—Barlinnie, Cornton Vale, Polmont and Low Moss—to help prisoners to find appropriate learning opportunities in the Glasgow area on their release. That is only one person working with four prisons, and the learning activity that is available in Glasgow is quite a complex landscape. That service really needs to be expanded. The question of how colleges that work in prisons can work more effectively with other colleges in the communities to which prisoners will be returning needs to be explored in more detail.

Alan Staff: It worries me that we are talking about a very small number of people. Apex is tiny; we are a handful of people while there are vast numbers going through the prison system at the

moment. We need to discuss what the barriers are to employment when people come out of prison. No one with a conviction, let alone a prison sentence, will even get past any firm that uses a recruitment company. Most companies will see that someone has a gap in their CV. Any human resources professional will tell you that they are trained to look for that. It is a huge barrier.

On a practical level, we need to offer an incentive to firms to take on people on some form of licence or in some form of apprenticeship. I do not mind what it is, but there has to be a way of making it possible to cross that barrier. We cannot allow a prison sentence to continue after release. I wholly agree with Pete White about the issue of the long-term sentence once someone picks up even just a criminal record. If you pick up a prison sentence, it is worse than that—it is almost long-term incarceration. We have to find a practical way of encouraging firms to take on people who have a criminal record, which might mean services that support an individual through the process and support firms to take those people on.

The Convener: It is an ideal moment to bring in Martin Plant Hire. Why do you it?

Andy Martin: Use of prisoners is an opportunity for us, particularly in the current marketplace. Yes—it is free labour. In return we provide training, supervision and so on and we are in the process of setting up the workshops in the two prisons.

Alan Staff mentioned an incentive; there has to be an incentive and it has to be a win for the private sector. The problem that I am encountering is that the contracts have been written by a procurement team and are about only what the two prisons will get out of the arrangement. They want to manage how many machines we put in and how many machines we get out. Obviously, we have the expense of supervising and so on, so I have a conflict that needs to be addressed. We will do as much as we can; we will supervise and so on, but I do not want measures or controls put on me about what I bring in and what I bring out again. I want encouragement to help these people and to employ them in the future. I do not want to be put under pressure about how much money the prison service can get back out of me.

The Convener: Why did you get involved?

Andy Martin: Initially, my approach was to get involved for the placements side of things, which—in the current economy—gave us an extra pair of hands. I was perfectly open about giving it a try and seeing what would happen. What I did not expect was the fantastic attitude of the five people—in fact, I think it is seven or eight now—who have worked with us. They are glad to be out and doing something, no matter what the work

flow, and they work outside, in any conditions. It gives them a fulfilling day; it is much more interesting than sitting in a cell all day, so they are very pleased to be with us. There was resentment among some of our staff—“I don’t want this. I don’t want that”, but the guys are now part of the team, and they are a part of the team that fits in extremely well.

The Convener: How long have you been doing that for?

Andy Martin: We have been doing it for about 14 or 15 months.

11:45

Sandra White: I want to pick up on Mr Staff’s point, because I was leading up to that. When I visited Barlinnie, a number of prisoners and staff members said that disclosure prevents people from getting jobs. Someone might at 17 do something when they are drunk and disorderly that will stay on their record even when they are 35. Prisoners asked us to look at that. When somebody is 17 years of age they might do something stupid—I am not talking about a serious crime—and when they are 34 or 35 and come out of prison, there is a revolving door, as they cannot get a job because of their record.

The Convener: I understand that point, but it is taking us off purposeful activity.

Sandra White: Such people cannot do purposeful activity.

The Convener: That is a different barrier from the one that we are discussing.

Sandra White: I just wanted to raise that.

The Convener: No other member wants to ask a question, so I ask the witnesses to cover anything that we have not asked about on the broad issue of “activity with a purpose”, which is, as Graeme Pearson said, probably a better way to put it. Mr Martin was open about there being something in it for him, in that he gets people to work for him, but he also sees people developing through the programme. I ask the witnesses to sum up and give us practical issues to consider. We are well aware of the issues for individuals in prison and all the other stuff. The kind of thing that we are looking for is the suggestion about secure access to the internet.

Kirsten Sams: I have a quick point on consistency in prison education. It is important that a consistent offering is available, but it is also important to differentiate, because prisoners are not a homogeneous group. As the committee will be aware, long-term prisoners’ needs are different to those of women and young offenders.

On practicalities, education providers need to be given more flexibility to deliver education in response to the needs of the client group. The best way to engage the learners is to make the activities as purposeful as possible by giving them a focus. Projects such as prison radio are extremely good because they engage people through music and sound and give them appropriate skills, including teamworking. Magazine production is another example. There are lots of good examples across the providers.

We need to be given flexibility to deliver education innovatively and creatively, rather than its being focused on fairly meaningless performance indicators. Although it is important that we are held accountable for the quality of service that we provide, and we need to be able to develop appropriate measures of the impact and outcome of the service, we need more flexibility.

Katharine Brash: I completely agree with everything that Kirsten Sams said.

I would like a national and local strategy for learning and skills, as was mentioned by the previous panel. An integrated strategy for all learning could be developed. Carnegie College has an offender learning strategy and we have developed an evaluation tool that we use to evaluate the service. We need an evaluation framework to be developed with the strategy and to be interpreted with enough flexibility to cope with the different population groups. That would be good.

One big thing that is missing is planning the prisoner's journey through his sentence to provide an integrated and holistic approach. Although there is planning in terms of risks and needs, and there are prisoner programmes, there is no holistic planning process. A strategy would be able to incorporate that.

The Convener: Mr Staff was nodding at the mention of planning.

Alan Staff: I have three points to make. One negative point is that we have to be careful that in providing purposeful activity we do not create a situation in which a person is happier in prison than in the environment that they come from. If we do that, we will have to adjust what happens after they leave, because otherwise we could create a revolving-door scenario.

On a positive note, I think that the process has been far more productive when prisons get tied into, participate in and become actively involved in local criminal justice and offender pathway planning instead of seeing themselves as independent little islands in their given area and as being responsible for everything. Indeed, planning becomes far easier because prisons can use the

resources around them instead of the resources that are procured within their walls.

Finally, we have found that peer mentors work in reaching those who are harder to get to and who do not show much initiative or willingness to conform with where you want to go. We have already discussed informal peer teaching, but we need to use such formats more. Peer mentoring has been very effective in motivation and we should see more of it.

The Convener: Mr Martin has the final word.

Andy Martin: If the barriers were to be removed for the private sector and if we were to get as many incentives as possible to get involved, the number of companies that are as open as we are to such moves would increase. I do not think that there are any particular issues in that respect. However, you should not make it cost us; we should be able to get a win out of it.

We should also encourage prisoners and communicate with them as best we can through practical hands-on presentations and through the jobs fairs such as we have participated in. The uniforms can be present, but kept out of the way while we do the selling to them, explain in our terms what might be good for them and say to them, "Come and see us—we might have some opportunities for the future". That approach has certainly worked for us.

The Convener: What are the barriers for the private sector that you referred to?

Andy Martin: For a start, there is the potential cost to us of running such programmes. Perhaps things could be worked both ways to allow us to get a win out of it. At the moment, we are discussing who is going to pay for the tools for the workshop, for the uniforms and for the personal protective equipment. It is not a colossal amount of money but, instead of my having to pay for everything, the prison could buy it and I will provide the training and supervision. If that aspect were to be taken out, I could get involved immediately.

The Convener: Thank you very much for that. I thank all the witnesses for their very useful evidence. I take it that you all sat through the previous evidence session, so it will have been a long morning for you. However, it has all been very useful.

I move on to item 3—

Alison McInnes: Before we do so, convener, I refer the committee to the written submission from the prisoner representative group in Castle Huntly, which has raised two points that I think should be addressed.

The Convener: I take it that this does not involve the witnesses.

Alison McInnes: I am sorry. No it does not.

The Convener: The witnesses may go.

Alison McInnes: The group said that it had learned of our inquiry through its visiting committee and

“were surprised that there had been no announcement to the prisoner community ... seeking input through a survey or consultation with representative groups.”

Perhaps we ought to have done that.

The Convener: I am certainly content—

Alison McInnes: I wonder whether it is too late to do that. The group also points out that it will not know whether we have received its evidence, because it has no access to the internet. Should we acknowledge the submission?

The Convener: It has been acknowledged. If you want to raise the issue, we can consider it at our next meeting. I note, however, that although the evidence that we have received is on the internet, it is also in paper form. Nevertheless, it would be useful to hear the views of people in prison as a means of reflecting on the evidence that we have received.

Subordinate Legislation

Scottish Administration (Offices) Order 2012 (SI 2012/3073)

Restriction of Liberty Order etc (Scotland) Regulations 2013 (SSI 2013/6)

11:53

The Convener: Item 3 is consideration of two instruments that are subject to the negative procedure. Information on both is provided in the accompanying papers.

All members will pleased to note that neither instrument has been drawn to the Parliament's attention by the Subordinate Legislation Committee on the ground either of flawed drafting or of any other matter. They seem to be perfect.

Members have no comments: is the committee content to make no recommendations on either instrument?

Members *indicated agreement.*

Graeme Pearson: I just want to refer to the letter dated 4 February from the Scottish Police Authority. First of all, I regret the absence of a timely response from the SPA to the committee's request for access to the “codicil” and it was only through the additional work of the committee clerks—for which I am grateful, as it was generated by my request yesterday—that we received the response late yesterday afternoon. I want it to be noted that I have rising concerns about relationships with regard to police reform and regret that, because of the committee's agenda-driven process, we are not allowed to debate the matter further.

The Convener: I want to stop you there, because I think it important to make it clear that every item that the committee is going to discuss is publicly announced on an agenda. The point is not specific to the item that you have raised.

I should also say that the letter that you refer to is on the committee's website and that I hope we will discuss it after the recess. The only reason why I cannot allow a substantive discussion of the issue is because it is not on the agenda.

Graeme Pearson: Can I—

The Convener: No. That is the point that I am making.

Graeme Pearson: Can I—

The Convener: No. I am sorry, Graeme, but that is the end of the discussion on the matter.

Graeme Pearson: I just want to make one point of clarification. The issue could only have been raised—

The Convener: I am sorry but—

Graeme Pearson: —with the committee after tea time last night.

The Convener: I beg your pardon—

Graeme Pearson: We only received the letter last night.

The Convener: I beg your pardon, but the issue is not on the agenda. I am not suppressing anything—you can say what you like about this issue outside—but the fact is that it is not on the committee's agenda. Whatever comes up, if it is not on the agenda, we cannot discuss it. I am not discussing the matter any further.

The next meeting is on—

Alison McInnes: May I make a suggestion for a standing agenda item for the next few months, convener?

The Convener: We have already put in train the proposal for a sub-committee to hold the SPA and the chief constable for Scotland to account, and should let the matter take its course. I trust that the Parliamentary Bureau will agree to it; if so, it will be a matter for that sub-committee to deal with either at the three-monthly meetings that we have suggested it hold, or at some ad hoc meeting that it might agree on. The point that I am making is that we cannot have a substantive discussion about things that are not on the agenda.

Alison McInnes: But convener—

The Convener: No—I am sorry but I am not going into this any more. The issue is not on the agenda and the letter is now in the public domain for members to comment on. The sub-committee and you as individuals will deal with the matter, but it cannot be discussed by the committee as it is not on the agenda.

Alison McInnes: On a point of order, convener—

The Convener: There are no points of order in committees.

The next meeting is after recess on Tuesday 19 February. These matters can be put on the agenda for that meeting. We will also have an informal briefing from Scottish Government witnesses on the Victims and Witnesses (Scotland) Bill and will consider our approach to scrutinising it. I thank members very much.

Meeting closed at 11:57.

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