

**MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD VIRTUALLY ON WEDNESDAY 28 JULY 2021**

**Present:** Brigadier Hugh Monro, Non-Executive Director and Advisory Board Chair  
Teresa Medhurst, Interim Chief Executive, SPS  
Sarah Angus, Branch Head, Office of the Chief Executive, SPS  
Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS  
Prof Kay Hampton, Non-Executive Director  
Caroline Johnston, Interim Director of Corporate Services, SPS  
Sharon Lawson, Executive Personal Assistant/Chief Executive, SPS (Minutes)  
Ali Purdie, Interim Director of Operations, SPS  
Rob Molan, Non-Executive Director  
Gavin Scott, Risk Monitoring and Audit Committee (RMAC) Chair  
Gill Stillie, Non-Executive Director  
Rob Strachan, Divisional Head of Strategy, Planning and Partnership, SPS

**Introduction and Welcome**

1. The Chair welcomed all to the meeting.

**Apologies for Absence**

2. Apologies for absence were received from Melanie Allan.

**Declarations of Interest**

3. There were no new declarations of interest.

**Draft Minutes of the Advisory Board Meeting Held on 26 May, Action Points and Matters Arising**

4. The minutes of the meeting held on 26 May were agreed as a true record, and the actions arising from that meeting were complete.

**Operational Update**

5. Mr Purdie advised members of significant issues, including:
  - On 23 July, there were 7,531 people in our care, 41 higher than the previous week and 432 higher from this period last year.
  - During the 2 month period from 19 May-23 July, there were 55 significant incidents reported across SPS.
  - There were 6 deaths in custody reported within the period.
  - As at 22 July, when the COVID Situation Report was submitted to Scottish Government, there were a total of 766 individuals in custody in isolation across 8 sites - 588 individuals in isolation as a precautionary measure (466 at Perth, 64 at Shotts and 58 at Addiewell), and 178 individuals in isolation who are either confirmed, symptomatic, in quarantine due to admission outwith the UK, or those in close contact with a suspected/confirmed case.
6. Members were concerned at the number of recent deaths in custody, in particular in instances where the deceased had been mentally unwell, and surrounding the misuse of substances. Further

detailed work was being undertaken by Mrs Brookes' and Mr Purdie's Directorates in this respect to identify next steps, and discussions had also been held with Mrs Stillie. It was agreed to discuss this issue in further detail at a later stage, but all were unanimous that it was not appropriate for SPS to look after those who required hospital admission.

7. The Advisory Board commended prison staff for the extraordinary work they do in attempting to stop those within our custody from self-harming and thanked Mr Purdie for his helpful and informative update.

### **Horizon Scan**

8. Mr Strachan outlined for members the background to the production of this bi-weekly report and advised that it had now been in place and road tested through the Executive Management Group (EMG) for a few months. The Chief Executive and Directors have encouraged Mr Strachan and his team to go beyond prisons and the justice world in reviewing articles and 30-40 items a week are collated and filed in a repository for future use - 8-10 main issues are contained within the report.

9. Mr Strachan proposed to copy the NEDs into these reports to ensure they were also sighted, with a view to discussing any issues in fuller detail at the Advisory Board meetings. The NEDs agreed the report was a useful tool but asked that Mr Strachan add a covering note to the paper for them setting out the articles EMG had discussed and wished NEDs to action or be aware of.

**Action: Ms Lawson to add NEDs to distribution list for report**

**Mr Strachan to provide a covering note to the paper setting out the articles EMG had discussed and wished NEDs to action or be aware of**

### **Items for Advice**

10. There were no items for advice discussed at this meeting.

### **Items for Monitoring**

#### AB(JUL)01/21: Financial Update/Budget Monitoring

11. This paper provided an update on the 2021-22 budget and financial position.

12. All resource and capital budget allocations for 2021-22 requested through the financial planning process have now been approved. The allocation is over the SG budget and will be monitored closely going forward to achieve a balanced position.

13. There was a concern at the moment in relation to the predictability of spend around major products and maintenance delivery due to problems with the haulage industry and Brexit in relation to sourcing materials, particularly timber and concrete. Members noted the likely impact this will have on the women's estate and the overall maintenance programme.

14. There then followed a discussion around COP26 and the impact this may have on SPS and the overall justice system.

15. The Advisory Board noted this paper and the number of risks associated with the forecast position which will be kept under close review throughout the year.

#### AB(JUL)02/21: Annual Report and Accounts 2020-21

16. The draft Annual Report and Accounts 2020-21 were issued to Azets on 26 May, with a further version issued on 2 June incorporating the Governance Statement. During the audit of the financial statements, regular progress meetings took place between Finance colleagues and Azets. The draft audit report was submitted to SPS for review and comment on 24 June in advance of presentation to the Risk Monitoring and Audit Committee (RMAC) meeting on 30 June.

17. Azets have issued SPS with an unqualified audit opinion. There was one adjustment made to the accounts in relation to the PPE stock donated by NHS NSS, which resulted in an increase to both income and expenditure. The adjustment was the result of technical guidance provided by Audit Scotland in June.

18. The Chief Executive and Azets signed the 2020-21 Annual Report and Accounts electronically on 16 July. Normal timescales for laying the Annual Report and Accounts before Parliament and subsequent publication would be mid July, however timescales may continue to be affected by the pandemic. The legislative deadline remains at 31 December 2021.

19. The Advisory Board noted the completion and agreement of the 2020-21 Annual Report and Accounts and congratulated those responsible for its production. In particular, they noted that there were no recommendations from the auditors which is quite unusual and is testament to the tremendous work undertaken by all.

#### AB(JUL)03/21: SPS Governance Statement

20. This paper provided the Advisory Board with the Governance Statement of the Annual Report and Accounts which was noted by the Risk Management and Audit Committee on 30 June.

21. The Governance Statement aims to fully acknowledge the present position and progress made in the identification and addressing of key areas of governance and assurance. Whilst maintaining the current arrangements set out in the Framework Agreement, it is of note that this is currently being progressed to ensure updates to our structure, arrangements and operating models are fully incorporated into the new Framework Agreement. The next Governance Statement will therefore reflect any changes.

22. The Advisory Board noted the Governance Statement and agreed that this should be contained within the Annual Report and Accounts going forward.

**Action: Ms Angus/Mrs Allan**

23. Members recognised the amount of work undertaken in producing the Annual Report and Accounts and felt it was important that the key messages contained therein were disseminated via other means to external parties. It was suggested that the production of an Executive Summary may be helpful.

**Action: Ms Angus/Mrs Allan**

#### AB(JUL)04/21: Performance Monitoring

24. This report provided an update on organisational performance at the end of Quarter 4 (Q4) and was developed in the context of the COVID-19 pandemic which began to impact upon the organisation at the end of 2019-20 planning year. Normal planning processes were suspended and the Executive Management Group (EMG) agreed that Annual Delivery Plans would not be developed for the remainder of the life of the Plan, but instead, a 2 year Delivery Plan would be developed, structured around 6 month planning bursts in order to facilitate flexibility. This has been developed over the course of the planning year and signed off by the Cabinet Secretary for Justice. The reports for Qs 1-3 represented a high level summary of service delivery. This report informs the Performance Summary and Analysis in the Annual Report 2020-21 and contains additional detailed information.

25. Q4 has continued to be dominated by SPS' response to COVID-19. Throughout the pandemic, the health, safety and wellbeing of those who live and work in Scotland's prisons has been the overriding priority. In Q1, early release and the reduction in court activity had the effect of reducing the overall prison

population from a high of 8,123 to 6,869 by 29 May 2020. However, in Q2, the population started to rise again peaking at 7,555 on 28 September. Since then, the population has incurred moderate fluctuations and by the end of Q4, was showing a slight decline with 7,386 in custody (31 March 2021). During the course of the pandemic, the composition of the population became more complex, mainly driven by an increase in the remand population. The challenges of managing this complexity have been compounded by necessary restrictions in the provision of regimes, activities and movements.

26. Despite the impact of the pandemic, SPS has continued to deliver high quality custodial care within restricted parameters and succeeded in keeping infection rates at levels lower than those experienced by the general population.

27. Members noted this paper.

#### AB(JUL)05/21: People Metrics - Conduct

28. This paper provided the Advisory Board with information on gross misconduct cases as part of Corporate Services' routine reporting on People Metrics.

29. In 2020-21, the total number of live cases was 65 (37 new cases and 28 carried forward from the previous year). Outcomes were reached in 41 of these cases (63%). By comparison, 57 of 83 cases (69%) had outcomes reached in 2019-20. The decrease between years is reflective of the high number of complex cases investigated in 2020-21, many of which involved behavioural issues requiring in-depth investigation, as well as investigations that were delayed due to criminal proceedings and the impact of the pandemic. An increasing number of staff subject to investigation also reported mental health problems, resulting in referrals to Optima Health and more protracted investigations.

30. Of the 46 investigations completed by the Conduct Investigation Unit (CIU) in 2020-21, 36 (78%) resulted in a 'case to answer' (compared with 76% in 2019-20). Of the 6 cases that resulted in 'no case to answer', 5 involved external criminal proceedings in which the charges against the employee were either dismissed, found not guilty or not proven. Four members of staff resigned prior to the conclusion of the disciplinary process, 2 retired and 2 were dismissed due to ill health before the disciplinary process was concluded.

31. The Advisory Board noted the contents of this report.

#### RMAC Minutes and Chair's Verbal Report

32. The RMAC meeting on 30 June had considered the Annual Report and Accounts, and the Governance Statement in the main, which had been discussed previously at this meeting. Following the RMAC meeting, Mr Scott and the NEDs had met with the External Auditor and he had assured them that there were no other concerns in relation to SPS he wished to raise.

33. Mr Scott advised that Dougie Shepherd had now been seconded to SPS from SG in place of Jennifer Inglis-Jones and a paper was currently being prepared on the future options for Internal Audit. The Chief Executive recognised the admirable job Ms Angus had undertaken in supporting both the Audit team and SG Auditors in reaching this stage, but advised that sensitive discussions were now required. Advisory Board members recognised the difficulties being experienced and continued to support the next steps.

**Action: Chief Executive**

#### **Any Other Business**

#### Governance Groups

34. The Chief Executive advised that she had implemented and agreed a structure with Scottish Government (SG) colleagues around the major investment programme. The Major Projects Management Group (MPMG) had had its inaugural meeting jointly chaired by Mr Griffin and Mrs Medhurst and Mr Barrie Copeland had assumed the lead for SPS. Mrs Medhurst gave a brief overview of where the current

projects were positioned and advised that all members of this group were in agreement that this was not a decision-making body, but rather an assurance-making body which would not slow down the progress that was required. Mrs Medhurst suggested that Mr Copeland attend the next Advisory Board meeting to provide a brief presentation on the work he was undertaking and members agreed that this would be beneficial.

**Action: Chief Executive/Ms Lawson**

#### New Administration

35. Mrs Medhurst advised that Mr Brown, Cabinet Secretary for Justice and Veterans, was taking a more strategic approach to prisons, focussing on population pressures and how different parts of the justice system work together or against each other. He was scheduled to visit HMP Perth in the near future.

36. Meetings had also been held with Kevin Stewart, Minister for Mental Wellbeing and Social Care, in relation to the Mental Welfare Commission report on Women, and Maree Todd, Minister for Public Health, Women's Health and Sport. There was a real commitment at Government level to work on cross-cutting issues.

#### Interim Finance Director

37. The advert had now gone out to agencies and it was understood that there was interest in the post. Mrs Medhurst would be meeting with HR colleagues on 29 July to receive a further update.

#### Communications Branch

38. Mrs Medhurst advised that like other organisations, SPS was currently experiencing the impact of recruitment into SG and was losing key people as a result. The Communications team had lost 2 members of staff recently and as at the end of this week, only one member would remain.

#### New Criminal Justice Committee

39. The Criminal Justice Committee had requested permission to visit HMP Edinburgh on 26 August and Mrs Medhurst advised that she would accompany them on this visit. She had also been invited to attend an evidence session with them in September.

#### EMG

40. Ms Angus explained briefly the position in relation to the current bi-weekly EMG meetings and separate budget meetings and spoke to the new proposed arrangements which would better align these meetings. Members were in agreement that the new arrangements were sensible but asked that the Advisory Board be involved in more strategic discussions. Ms Angus agreed to discuss the new arrangements more fully in due course, explaining that the EMG were in the very early stages of implementing this new process.

**Action: Ms Angus**

#### Strategic Intent and Narrative for Organisation

41. Mrs Brookes advised that the Justice vision and strategy was currently being renewed and refreshed and that she and Mr Strachan were working to produce a strategic narrative for SPS. This would be discussed at EMG prior to discussion with Advisory Board members.

**Action: Mrs Brookes/Mr Strachan**

#### Draft Agenda for September Meeting

42. The draft agenda for the September Advisory Board meeting was agreed subject to a few additions as discussed during the meeting. Members noted that Joe Griffin, Director General (Education and Justice) would be in attendance at the meeting as an observer.

**Action: Ms Lawson**

Date of Next Meeting

43. The next Advisory Board meeting will be held on Wednesday 29 September from 1300-1600hrs. Subject to restrictions in place at the time of the meeting, this may be held in person at SPS Headquarters, and would be confirmed in due course.

**Action: Mrs Medhurst/Ms Lawson**

**Advisory Board Secretariat**

July 2021