

**MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD VIRTUALLY ON WEDNESDAY 29 SEPTEMBER 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)  
Rob Molan, Non-Executive Director  
Gerry O'Donnell, Interim Finance Director, SPS  
Allister Purdie, Interim Director of Operations, SPS  
Gavin Scott, Risk Monitoring and Audit Committee (RMAC) Chair  
Gill Stillie, Non-Executive Director  
Rob Strachan, Divisional Head of Strategy, Planning and Partnership, SPS

**In Attendance:** Joe Griffin, Director General (Learning and Justice), Scottish Government (until 2pm)  
Barrie Copeland, Senior Portfolio Manager, Office of the Chief Executive, SPS (for point 16 only)

**Introduction and Welcome**

1. The Chair welcomed all to the meeting, in particular Mr Griffin who was attending his first Advisory Board meeting as an observer, and Mr O'Donnell who had recently taken up post as Interim Finance Director.
2. Mr Griffin thanked the Chair and Advisory Board members for his invitation and apologised that he could only attend the meeting for a short while. He spoke about his role as Director General and his views on returning to the Justice portfolio and paid tribute to Mrs Medhurst, SPS' Directors and Advisory Board colleagues in managing the Service through the challenges of COVID and organisational development that has been subject of recent conversations.
3. Brigadier Monro thanked Mrs Medhurst for highlighting that 29 September was "Hidden Heroes" day and gave his own thanks to all colleagues within SPS for the work they do.
4. Brigadier Monro advised that the NEDs had recently met with the Cabinet Secretary for Justice and Veterans, Keith Brown, and discussions had included governance, increasing prisoner numbers and the Government's response, and mental health and welfare. All NEDs agreed that it had been a successful meeting.
5. It was noted that there had been a number of issues facing SPS recently and Mrs Medhurst echoed the point Mr Griffin had made about the escalating interest in health in prisons. Together with the re-invigorated Health and Justice Collaboration Improvement Board (HJCIB) which is chaired by Mr Griffin, there have also been meetings with the Cabinet Secretary and Ministers for Mental Health and Drugs Policy, with all showing a willingness to listen and better understand the complexities of prisons, the health issues faced by SPS' population and the implications of these on staff and healthcare colleagues. In addition, Mrs Medhurst has now attended 3 sessions with the Criminal Justice Committee (CJC) on COVID, penal policy and victims, with another session due to be held in November on SPS' budget for 2022-23.

**Apologies for Absence**

6. There were no apologies for absence.

## Declarations of Interest

7. There were no new declarations of interest.

## Draft Minutes of the Advisory Board Meeting Held on 28 July, Action Points and Matters Arising

8. The minutes of the meeting held on 28 July were agreed as a true record, and the actions arising from that meeting were completed. The Chair thanked Ms Lawson for the minutes and also for her work in administering the Advisory Board.

### Update on Audit Team

9. Ms Angus advised that she had had another constructive meeting with Scottish Government (SG) colleagues and a formal letter would be sent to them to invite them to enter into a shared services agreement with SPS. Two members of the Audit team had now been diverted to work with the Major Projects Management Group (MPMG) and it had been agreed that the Operational Audit Team would move to Operations Directorate. It was hoped that the new arrangements would be in place for the start of the next financial year and an audit plan revision has been prepared and would be tabled at the forthcoming RMAC meeting. Mr Scott was concerned that staffing levels may not be sufficient to ensure the 2021-22 audit plan can be undertaken and Ms Angus advised that meetings had been held in relation to this and SG colleagues are providing support. Mr Shephard would provide a further update on this at the RMAC meeting on 8 October.

## Operational Update

10. Mr Purdie advised members of significant issues, as follows:
  - There were 7,540 people in our care on 24 September, the same as the previous week and 33 higher from this period last year.
  - During the 2 months from 24 July-22 September, there were 57 significant incidents reported.
  - There were a total of 10 deaths in custody reported within the reporting period: 4 as a result of natural causes; 4 unexplained as a result of apparent overdose from potential drug involvement; and 2 as a result of apparent suicide.
11. Mr Purdie also updated those present on the Scottish Court Custody and Prisoner Escort Service (SCCPES) and HMPs Addiewell and Kilmarnock contracts.
12. The Advisory Board thanked Mr Purdie for his helpful and informative update, and again thanked colleagues for the care and diligence they show in the course of their duties. [Mr Purdie gave his apologies and left the meeting at this juncture to attend another appointment.]

## Horizon Scan

13. As advised at the July Advisory Board meeting, a horizon scanning paper is submitted fortnightly to the Executive Management Group (EMG) and then circulated to senior staff and their teams within SPS. The paper draws out only the major public policy or prison policy-related activity within the 2 week reporting period for discussion and information.
14. Members considered the information contained within the most recent update and thanked Mr Strachan for this. In particular, they welcomed the short summary which accompanied the paper and Brigadier Monro urged all paper authors to provide summaries for future papers.

**Action: Directors/Paper Authors**

[Mr Griffin left the meeting at this juncture and thanked Advisory Board members again for his invitation.]

He intimated that he would like to attend another future meeting.]

**Action: Ms Lawson**

### **Items for Advice**

15. There were no items for advice on the agenda for this meeting.

### **SPS Portfolio Presentation**

16. Mr Copeland joined the meeting at this point. He explained that his role was to provide a coordinating structure for major projects and programmes in SPS, and to guide and manage investments to optimise strategic benefits and operational delivery. There were 3 elements to this approach:

- the portfolio;
- Major Projects Management Group (MPMG); and
- Portfolio Management Office (PMO).

17. All members agreed that the establishment of this group was good progress in terms of managing a complex portfolio in the years ahead. The Chair asked who prioritised the projects and was advised that funding decisions are made by SG. Unfortunately, this does mean that SG's priorities may not be the same as SPS' priorities and works cannot be taken forward until funds are allocated. It was noted that the current recruitment campaign for new NEDs sought experience and expertise in this respect and it was the intention to have that person attend future MPMG meetings.

18. As this discussion centred around the prison estate, Mrs Johnston was asked to present her paper on the Estates Development Programme at this point (this was timetabled for later on the agenda). She advised that there are significant external factors that are likely to see SPS continue to experience fragility in terms of overall project delivery in relation to both timescale and cost, including increased challenges in demand for building materials etc. Members were advised that this is happening across the country, not just in prisons, but planning around staffing for the new facilities becomes much more complex as we are unable to work to definitive dates. Mrs Medhurst advised that she had met with SG colleagues to work through the consequences of these delays and SG remain cited on developments.

19. Members thanked Mr Copeland for his informative and helpful presentation, and Mrs Johnston for her paper. [Mr Copeland left the meeting at this juncture.]

### **Items for Monitoring**

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

20. This paper provided an update on the 2021-22 budget and financial position. Mr Scott raised his concerns about the projected underspends in budget and there then followed a discussion on this. Messrs Scott and O'Donnell agreed to meet outwith this meeting to discuss the re-allocation of funding.

**Action: Mr Scott/Mr O'Donnell**

21. Members noted the paper and the risks associated with the forecast position which will continue to be reviewed throughout the year.

#### AB(SEP)02/21: Improvement Framework Report: Quarter 1 2021-22

22. Mr MacDonald and Ms Murray, SPS' new Head of Improvement (encompassing Risk), joined the meeting at this point. They advised that this report was the first in a new style of quarterly report which provides a quarterly scan against key governance obligations. The report supplements the usual update on progress with the Delivery Plan with a portfolio of strategic, performance and scrutiny information and has been developed in consultation with all Directorates and the Office of the Chief Executive via a set of quarterly meetings which have sought to initially integrate planning, performance and risk. It is anticipated

that the format of these reports will be further developed during the course of the reporting year, bringing other areas into scope when it makes sense to do so, eg audit findings and financial management.

23. Combining planning, performance and risk processes into an Improvement Framework will facilitate a more holistic understanding of performance by utilising a blend of quantitative and qualitative information and evidence sources.

24. Quarter 1 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. 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.

25. Members noted the content of this lengthy paper and the Chair asked that a covering infographic accompany future papers. Thanks were given to Mrs Brookes and her team for their work in this respect, in particular, to Mr McDonald who would be leaving SPS to take up a new post in the near future. It was noted that further discussion was required at RMAC about the risk elements. [Mr McDonald and Ms Murray left the meeting at this point.]

**Action: Mrs Brookes/Ms Murray**

#### AB(SEP)03/21: Absence Management - People Metrics

26. This paper provided an update on the latest absence management statistics and trends within SPS.

27. In September 2020, it was reported to EMG that during the initial stages of the pandemic, non-COVID related sick absence reduced significantly as COVID-related absence increased. It meant that in 2020, sick absence was well below the levels of previous recent years. Since then, as COVID-related absences have reduced, other sick absence has increased though Mrs Johnston advised that these rising levels did not give cause for concern.

28. The new Attendance Management Policy was launched on 5 April. A key focus of the policy is to encourage managers to take a proactive and person-centred approach to managing wellbeing and attendance. As this is part of a cultural and policy shift, it is important that senior managers and leaders ensure that within their own areas of responsibility, actions are being taken by managers in accordance with the policy, for example, following the new procedures for managing long-term absence. Advice and support continues to be available from HR to assist managers with this.

29. The Advisory Board noted the update on absence management and the illustrative detail provided on absence management trends.

#### **Items for Noting**

#### AB(SEP)04/21: Estates Development Programme

30. This paper was discussed as part of the earlier SPS Portfolio presentation and summarised the progress of the Estates Major Infrastructure Works and Maintenance Works since the previous progress report in March.

#### AB(SEP)05/21: Healthcare Strategy Update

31. Ms Calder joined the meeting at this point and provided the Advisory Board with an update on key health strategies.

32. To ensure SPS fully contributes to the Scottish Government outcomes for a healthier Scotland, the EMG were advised in February 2020 of the intention to develop a Health and Wellbeing Strategy for those in custody. The strategy will be an overarching framework for all health-related strategies including drug

and alcohol, physical health and mental health, and will also include a bespoke component for children and young people.

33. The impact of leading on several areas of the organisational response to COVID has led to significant slippages in health strategy development in the last 18 months. Many resources within the health team were re-aligned to manage and support the COVID prevention measures in place which impacted on other strategic areas. As Scotland and SPS begin to consider a more "business as usual" approach, the pressures on the health team will reduce and allow for greater focus on strategic development. However, while there is a focus on returning to normal, there is a recognition that we are facing a "new normal" and any revised or new health strategies must acknowledge potential changes in how services are delivered and the impact of a global pandemic on mental health, physical health and wellbeing.

34. Members noted this paper and passed on their thanks and best wishes to Mrs McDowall who was leaving SPS shortly. [Ms Calder left the meeting at this juncture.]

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

35. Mr Scott advised that there had been no further RMAC meetings since the Advisory Board last met in July; the next meeting would be held on 8 October. As previously noted, he advised that negotiations with SG Internal Audit were underway in relation to shared services and that he had spoken with Ms Murray during her induction.

36. There was discussion concerning the timescale for departure of some existing NEDs and recruitment of their replacements, particularly in terms of the remaining RMAC meetings for 2021 being quorate. Mrs Medhurst agreed to provide Brigadier Monro with a timeline and Mr Molan offered to delay his departure slightly if this would assist.

**Action: Mrs Medhurst**

#### Review of SPS Senior Leadership: Crichton Report

37. Mrs Medhurst had previously advised members that the report commissioned on the Senior Structure within SPS has been completed and shared with Mr Griffin. The following actions are being progressed:

- Gerry O'Donnell commenced work with SPS as Interim Finance Director on 27 September.
- The refresh of SPS' Framework Document has commenced, in conjunction with colleagues in SG, which will include the role of the Advisory Board.
- In conjunction with the work on recruiting a Chief Executive, the Interim Chief Executive will be re-structuring the Chief Executive portfolio and the portfolio of Directorates, including consideration of the capacity of the functional heads. The issues around the interim arrangements at Director level need to flow from the immediate actions above so there is unlikely to be any move to more permanent arrangements until next year. Joe commissioned work to look at options for CE recruitment.

38. A refresh of SPS' Leadership Strategy and developing transitional arrangements for promotion at senior levels to support the changes agreed by EMG in 2019 to move to a development centre approach has been accelerated and is being led by Mr Jobson.

39. A Short-Life Working Group has been established, led by Gillian Walker, to review and make recommendations on SPS' approach to Throughcare Support.

40. NED colleagues noted and thanked Mrs Medhurst this helpful update.

## Deaths in Custody

41. Mrs Brookes had been asked to provide a verbal update given concerns raised by members at the previous meeting in respect of the number of recent deaths in custody. She advised that in 2021 to date, there have been 28 deaths in custody: 6 were drugs-related, one was due to homicide and 21 were recorded as natural causes, of which 5 were COVID-related.

42. The Cabinet Secretary for Justice and Veterans and Minister for Drugs Policy have both recently focused on Friday releases and there is work being undertaken currently within SG towards a likely change in these procedures.

## **Any Other Business**

### NED Appointments

43. Mr Scott voiced his displeasure that the recruitment campaign for the Advisory Board and RMAC Chairs and NEDs, which went live on 13 September, was not posted on the Public Appointments Website. Ms Angus advised that it had been the intention to advertise on this forum, but due to a change of rules, these appointments were no longer eligible for that website. She had discussed this with HR colleagues and had asked them to confirm this position on more than one occasion, but unfortunately that ruling remained. Mrs Medhurst advised that SPS had worked with a recruitment company who have assisted with materials and also provide a sourcing and head-hunting service.

44. During the course of the discussion, and further to the points made during Mr Scott's RMAC report, it was noted that Mr Molan's and Prof Hampton's contracts were due to terminate in late November, meaning that the RMAC meeting scheduled for 8 December would possibly not be quorate. Prof Hampton offered to attend both the November Advisory Board and December RMAC meetings, and Mr Molan had previously offered to delay his departure slightly to attend the RMAC meeting, if this would assist. The Chair agreed to speak with Mrs Medhurst in this respect.

**Action: Brigadier Monro**

### Communications Team

45. Mr Scott asked if there had been any improvements in the staffing position within the Communications Team. He stated that there was a need for both an internal and external communications strategy and was concerned as to how this would be achieved with a depleted team. Ms Angus advised that all Communications job descriptions had required modification but that these were near completion. Following final sign-off, recruitment could then commence for these roles.

46. Mr Scott wanted it acknowledged in these minutes that this issue was being addressed. He received assurance that the developments noted by Ms Angus were taking place. She reiterated that progress was being made to ensure the correct resource was in place.

### Draft Agenda for November Meeting

47. The draft agenda for the November Advisory Board meeting was agreed.

**Action: Ms Lawson**

### Date of Next Meeting

48. The next Advisory Board meeting will be held on Wednesday 24 November from 1300-1600 hrs; the location and meeting platform to be confirmed in due course.

**Advisory Board Secretariat**  
September 2021