

Managing increasing prisoner numbers in Scotland

Summary impact report

The report findings and recommendations

1. This report provides details of the changes following the Auditor General's report *Managing increasing prisoner numbers in Scotland* which was published on 8 May 2008.
2. Our report stated that in the six years to 2006/07 the number of prisoners in Scotland's prisons increased by a fifth to 7,700. Over the same period about £300 million was spent improving prison conditions, but the number of prisoner places remained largely unchanged. Plans to increase the capacity of Scotland's prisons may not be enough to house projected future prisoner numbers. Scotland's prisons are among the most overcrowded in Europe and overcrowding affects prisoners' access to rehabilitation services which aim to cut re-offending. Community sentences may be used as alternatives to prison, and their use has increased significantly. However, their use may still be restricted by availability of places.
3. The report made 21 recommendations for the Scottish Government and Scottish Prison Service (SPS). Details of specific progress against these recommendations are listed at Appendix 1, although progress may not always be directly or solely attributable to our report.

Immediate impact

4. The report generated significant media interest upon publication, including television and radio coverage, articles in *The Herald*, *The Scotsman* and other national newspapers, and a number of articles in local newspapers. Twelve months after publication the report and key messages document had been downloaded from our website 1,659 and 485 times, respectively, and the podcast had been downloaded 352 times.

Parliamentary scrutiny

5. The Scottish Parliament's Audit Committee considered the report at its meeting on 14 May 2008. The committee subsequently wrote to both SPS and the Scottish Government (SG) on a range of issues. The committee was particularly interested in: whether the prison system will have sufficient capacity to accommodate projected prisoner numbers; the accuracy of prisoner projections; the effectiveness of prison activities in reducing re-offending; the costs, availability and effectiveness of community sentences.
6. The Audit Committee considered a joint response from SPS and SG on 24 September and agreed to pass the issue to the Justice Committee for consideration. In September and October 2008 the

Justice Committee took evidence from both SPS and the Minister for Community Safety on the 2009-10 Budget Process. These discussions covered a number of issues in our report.

7. The Justice Committee is the lead committee for the Criminal Justice and Licensing (Scotland) Bill which was introduced in Parliament in March 2009. This is a wide-ranging piece of legislation which includes a number of measures relating to prisoner numbers. These include: establishing a Sentencing Council to improve transparency and public confidence in sentencing; creating a presumption against short prison sentences (up to six months); and providing for 'tough' new community sentences. The Committee is due to publish a report on Stage 1 of the Bill in autumn 2009.

Significant changes / progress

8. The following significant changes have occurred since we published our report:
 - The Scottish Government has:
 - announced plans to replace some of Scotland's most outdated prisons - although there are no plans to redevelop or replace older prisons such as HMP Barlinnie and it remains unclear whether there will be sufficient capacity to accommodate projected prisoner numbers
 - scoped a review of the Home Detention Curfew (HDC) process
 - sought to improve the accuracy of prisoner projections
 - introduced a Performance Management Framework for Community Justice Authorities (CJAs)
 - carried out an audit of the delivery of community sentences across all 32 local authorities
 - reviewed the evidence on the relative effectiveness of prison and community sentences in reducing re-offending.
 - SPS has:
 - introduced the Assessed Operational Limit (AOL) for each prison as the numerical limit at which Governors assess there to be unacceptable risks to safety in the short term
 - reviewed the Cell Sharing Risk Assessment process and made improvements in response to recommendations from the review
 - continued to assess the potential risks of legal challenges associated with prisoners' conditions
 - reviewed the HDC process and taken action to address identified risks
 - developed Service Level Agreements with social work providers to deliver statutory supervision and support services
 - reviewed the availability of prisoner activity places and introduced measures to improve prisoners' timetabling and attendance at activities aimed at reducing re-offending
 - improved travel information and options for prison visitors

- started to computerise prisoners' health records to help monitor the prevalence of ill health, and is revising its strategy to support prisoners with mental health problems
- discussed ways of improving efficiencies with its Trade Union partners.

Plans for follow-up work

9. At present, there are no plans to carry out a follow-up study. However, any project on *reducing re-offending* will assess the costs, availability and effectiveness of prison and community sentences.
10. Our report has informed discussions of prisoner numbers at SPS Board and senior management meetings. The SPS external auditor, KPMG, will continue to monitor developments within SPS and report significant issues to Audit Scotland.

Appendix 1 – Summary of report impact, and analysis by Audit Scotland’s framework for measuring impact

| HOLDING TO ACCOUNT AND HELPING TO IMPROVE | | | | | |
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| Recommendations for the Scottish Government | Impact of report’s recommendations | | | | |
| Assess the effectiveness of Home Detention Curfew (HDC) in achieving its objectives | Scottish Government staff have completed the scoping work for a review of the HDC process and will start the review soon. Decisions on the future of HDC will be informed by the review’s findings. | • | • | | |
| Consider how the accuracy of prisoner projections could be improved and the extent to which projections provide an appropriate base for planning future accommodation requirements | <p>The Scottish Government's analysts have improved their capacity to make short-term / monthly projections, which take account of seasonality over the year and use up-to-date data.</p> <p>They are closely monitoring “upstream” data to help give some advance warning on short-term fluctuations in prisoner numbers. This is particularly important when prisons are close to capacity.</p> <p>The analysts have also commissioned in-depth work to develop a more sensitive, empirically robust, reliable and transparent mathematical model of the prison population in the medium and longer term. They currently have a basic prototype and intend to refine this over the coming months. In the longer term, they plan to explore the potential for developing a similar model for the court processes and outputs.</p> | | • | | |
| Produce clear plans setting out action to be taken to accommodate future prisoner numbers and to develop older prisons and national facilities. | <p>Since our report was published, the design capacity of Scotland's prisons has increased to 7,537 due to the opening of HMP Addiewell and a new houseblock at HMP Edinburgh. (On 11 July 2009 there were 8,124 prisoners in prison and another 376 on HDC, giving a total of <u>8,500</u>).</p> <p>The design capacity will increase by a further 700 places once HMP Low Moss opens in 2012. However, three other planned prisons - Grampian,</p> | | • | | |

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| | Highland and Inverclyde - will not significantly increase the design capacity of the prison estate as they will replace existing prisons. The Scottish Government is seeking to reduce the future requirement for prisoner places by developing "robust" community penalties for less serious offenders (who may currently receive short-term prison sentences) and keeping prison for serious, dangerous offenders. | | | | |
| Monitor the availability of community sentences across Community Justice Authorities, and work with CJAs to ensure that appropriate community sentences are available in all CJA areas | In November 2008 the Scottish Government carried out an audit of community service delivery across all 32 local authorities. This review showed that the delivery of community service varied widely among local authorities, with some authorities achieving a high standard of performance and others falling significantly short of existing requirements. National standards for community service have been agreed and performance against these will be monitored by the Social Work Inspection Agency. | | • | | |
| Review the unit costs of community sentences across CJA areas to identify scope for efficiency and to spread good practice. | Scottish Government analysts are currently scoping a review of data on the costs of Scotland's criminal justice system, including community sentences. | | | • | |
| Work with CJAs to develop robust performance measures | A Performance Management Framework has recently been introduced to enable CJAs to capture and report data on 14 key outcomes on offenders, the community and the offender management system. These indicators were selected by the National Advisory Body for the Management of Offenders. The framework will allow CJAs to measure progress against the agreed outcomes in their current 3-year area plans, and CJAs will publish their performance against these outcome measures in their annual reports from 2009/10 onwards. | | • | | • |
| Establish the relative effectiveness of prison and community sentences on reducing re-offending | In November 2008 the Scottish Government produced a report on its review of the effectiveness of community and prison sentences. Recent UK | | | • | • |

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| | <p>research - and reconviction data published by the Scottish Government - had suggested that some community-based sentences can be more effective than prison sentences in reducing post-release reconviction rates. However, the Government's review showed that there is a lack of robust evidence on different types of sentence (and different programmes) and it was not possible to say whether community sentences offer greater value for money than prison sentences.</p> <p>The Scottish Government's preliminary analysis also suggested that such judgements can only be made on a case-by-case basis, depending on the nature of an individual's pattern of offending and likely responsiveness to interventions. In light of this, the Government's analysts are beginning a longer term review of the costs associated with the criminal justice system in Scotland, and are investigating how best to establish the value of the outcomes of sentences and programmes.</p> | | | | |
| Recommendations for SPS | Impact of report's recommendations | | | | |
| Continue to monitor the number of "single" and "double" or "multiple" cells at each prison to provide a consistent measure of prison capacity. | <p>SPS has continued to monitor the number of different cell types to provide a consistent measure of prison capacity.</p> <p>Since our report was published, SPS has introduced the "Assessed Operational Limit" (AOL) for each prison as the numerical limit at which Governors assess there to be unacceptable risks to safety in the short term. In establishing this figure, each Governor considers the health and safety of both prisoners and staff, the need to deliver an acceptable regime, ECHR and other minimum requirements.</p> | | • | | |
| Ensure all prisoners who are required to share cells are appropriately assessed to minimise the negative effects of cell sharing | The SPS Audit & Assurance team conducted reviews of the Cell Sharing Risk Assessment process across a number of prisons to assess compliance with, and consistency of approach to, relevant directives. The review found that there were appropriate monitoring processes in place to give management "first level assurance" that Cell Sharing Risk Assessment | • | • | | |

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| | <p>processes were being properly applied.</p> <p>SPS carried out follow-up reviews at two prisons in April 2009. Both prisons received "limited" assurance, with a number of recommendations made. Significant progress has since been made to address these recommendations.</p> | | | | |
| <p>Assess the potential risks of legal challenges associated with prisoners sharing cells.</p> <p>AND</p> <p>Assess the potential risks of legal challenges associated with prisoners spending long periods locked in their cells and sharing accommodation with other categories of prisoner.</p> | <p>SPS has taken steps to assess and manage the risk of legal challenges on an ongoing basis - both at a general level and in relation to individual cases. These include: investment in the estate to improve prison conditions; investment in staff training to raise awareness of human rights issues; and the introduction of standard processes such as cell sharing risk assessments.</p> <p>SPS works closely with the Scottish Government Legal Directorate to continually assess the risk of legal challenge in relation to prisons. SPS monitors case law on an ongoing basis and informs policy by reviewing wider developments in prison regime management.</p> <p>The Prison Rules provide the statutory basis for the daily management of prisoners. SPS is currently reviewing the Prison Rules with a view to reducing the potential risk of future legal challenges.</p> | • | • | | |
| <p>Review the variation in the use of HDC across prisons to ensure that local decisions provide consistent treatment for all eligible prisoners.</p> | <p>SPS Audit & Assurance reviewed the HDC process in a number of prisons to assess the operation of procedures and controls in place to support the management of prisoner numbers.</p> <p>From these reviews, SPS identified risks in the HDC system, including delays in the assessment process and shortcomings in routine local monitoring of the process.</p> <p>A number of recommendations were made, and SPS has taken a series of actions to improve the process.</p> | • | • | | |

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| Monitor the number of prisoners transferred to other prisons to alleviate overcrowding | <p>According to the joint SPS - Scottish Government response (September 2008), the option to transfer prisoners from one prison to another solely to alleviate overcrowding is reasonably rare. More usually prisoners are moved to minimise the impact for them, perhaps to be closer to their home address or because they have already requested a move from or to a particular prison.</p> <p>Therefore, progress against this recommendation was not followed up.</p> | | | | |
| Examine the impact of transferring prisoners to other prisons on their access to support and services required for rehabilitation. | <p>Service Level Agreements (SLAs) between SPS and social work providers are currently being drafted to maintain statutory supervision and support services. These SLAs will specify a consistent service for prisoners which should help minimise any negative impact of transfers on support services for rehabilitation.</p> <p>SPS has reviewed the Integrated Case Management (ICM) process which assesses individual prisoners' risks and needs and includes the development of a Community Integration Plan (CIP) for their transition back into the community. This review has resulted in some processes being amended.</p> <p>SPS has CJA Liaison Managers who work closely with CJAs in planning prisoners' re-integration into the community. SPS is trying to make prison populations more "community-focused" which could assist prisoner access to appropriate support and services.</p> | • | • | | • |
| Collect and report information to provide a clearer picture of the availability and delivery of prisoner activities. | <p>SPS carried out a review to examine the activities available to prisoners. The main findings of the review were that not all activity places were being fully utilised, and that there was no clear link in many work activities to improvement in employability.</p> <p>Following this review, new performance measures were introduced and new recording systems for attendance at activities are in the process of being</p> | • | • | • | • |

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| | introduced at each prison. SPS anticipates that these measures will improve timetabling and attendance. A senior SPS manager has been appointed to consider the implementation of the remaining recommendations from the review. | | | | |
| Ensure all prisoners' risks and needs are assessed so that they are offered appropriate opportunities to help their rehabilitation. | As part of the ICM process, all convicted prisoners receive an interview upon admission to identify areas of risk and need with referrals made to service providers (internally and externally) for follow-up interventions and activities. Prisoners' risks, needs and referrals are subject to regular review and a final review four weeks before prisoners are released. | | • | | |
| Ensure all prisons make best use of activity places and visit facilities through appropriate scheduling and spreading best practice among prisons. | <p>SPS has developed a Travel and Transport Guide Template and distributed copies to each prison. Most prisons have produced travel information and guides for visitors. New travel services are in place at HMP Glenochil and families at HMP Shotts are being surveyed to establish their particular travel needs.</p> <p>However, many local transport providers are unable to introduce new services without financial support and SPS is working with SACRO and transport providers to improve travel options for visitors. In addition, SPS have seen a 50 per cent increase in the number of Assisted Prison Visit Scheme claims from families.</p> <p>In September 2008 SPS appointed a new Offender Outcomes Manager for Relationships to review the arrangements for family contact and involvement of families in the case management of offenders. According to SPS, it is too early to assess progress.</p> | | • | | • |
| Monitor the prevalence of ill health (including mental health) among prisoners in order to provide suitable facilities and staffing levels to meet needs. | <p>SPS is currently computerising prisoners' health records which should help to monitor the prevalence of ill health.</p> <p>SPS is in the process of revising its strategy for services to support prisoners with mental health problems</p> | • | • | | |

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| Consider the lifespan of temporary houseblocks and how this will affect future capacity. | SPS will review the requirement for these houseblocks at HMP Cornton Vale and the HMP Open Estate in line with the future requirements for prisoner places across Scotland. | | • | | |
| Consider further analysis of the cost of service delivery in each prison, including the costs associated with admitting, transferring and releasing prisoners, in order to identify scope for potential efficiencies. | <p>An SPS review to quantify staff time spent dealing with short-term admissions and liberations highlighted the costs of the high population turnover. However, there is very little that SPS can do to affect the prisoner turnover rate, and there is little in the admission and liberation processes which the SPS is in a position to stop doing.</p> <p>SPS is currently in discussions with its Trade Union partners to improve efficiencies.</p> | | • | • | |
| Review the current system of paying for additional prisoner places to ensure prisoner numbers are managed efficiently and effectively. | <p>SPS welcomed Audit Scotland's recognition of the additional costs associated with managing large prisoner populations. Paying prisons for additional prisoner places provides "internal mitigation" of the problem of managing large prisoner populations rather than a long-term solution. These "additional" payments are re-allocated from within SPS and do not represent new money from the Scottish Government.</p> <p>SPS reviewed its system for paying for additional prisoner places but decided that no changes were required. SPS regularly reviews the allocation of additional prisoner places across prisons.</p> | | • | • | |