

ANNEX A – FOI 202300386464

THE FULL LIST OF PEOPLE ATTENDING THOSE MEETINGS

Cat Dalrymple – Scottish Government (Chair)
Amy Wilson - Scottish Government
Quentin Fisher – Scottish Government
Iona Colvin – Scottish Government
REDACTED – Scottish Government
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REDACTED – Scottish Government
REDACTED – Scottish Government
Laura Buchan – COPFS
Jennifer Hamilton – COPFS
Sharon Stirrat – Social Work Scotland
Lyndsey Smith – Social Work Scotland
Leona Paget – NHS Forth Valley
Craig Sayers – NHS Forth Valley
David Fraser – SCTS
Yvonne Taylor - SCTS
Edward Seery – Police Scotland
Gordon McCreadie – Police Scotland
Colin Lancaster - SLAB
Carolyn McLeod - SLAB
Colin Spivey – Parole Board Scotland
Jim Kerr – SPS
Allister Purdie - SPS
Ian Whitehead - SPS
Linda Pollock - SPS
Mark McSherry – RMA
Edward Kotrys – RMA
Debbie Campbell – RMA
Keith Gardner – Community Justice Scotland
Karyn McCluskey - Community Justice Scotland

THE MINUTES OF PPLG MEETINGS

Paper 1 – Prison Population Leadership Group - Meeting of 7 September 2023 - Agenda

1) Welcome and apologies – Chair

The Chair thanked those present for attending and noted that there were no formal apologies but some substitutions. She noted that the subject of the meeting was an important issue affecting all of the attendees.

2) Terms of reference – Chair

The Chair asked attendees to note any major gaps/issues with the terms of reference – of which none were immediately identified. She asked for suggested minor amendments to be sent to [REDACTED – SG OFFICIAL 1] (who will act as secretariat for this group) prior to the next meeting.

ACTION: Attendees to send details of any proposed changes to the terms of reference to [REDACTED – SG OFFICIAL 1] prior to the date of the next meeting.

3) Presentation on prison population projections – SG Justice Analytical Services

Cat invited [REDACTED – SG OFFICIAL 2] (SG JAS) to give a presentation on the current prison population trends.

[REDACTED – SG OFFICIAL 2] explained that JAS had looked at the actual data on flows into and out of the remand and sentenced prison populations to develop the underpinning assumptions for the projections – in order to develop possible scenarios for what may happen in the future to drive the population. He noted that during 2023 they had seen an uplift in the remand population and a sustained increase in sentenced population. He stated that the short and long term sentence prison populations had been increasing – but that short term sentences had risen the most strongly (in contrast with a slight decrease during 2022).

He stated that there had been a higher average monthly arrival rate in the six months up to July 2023 compared to the previous six months. He noted that, based on the SCTS Monthly Protocol Reports (MPR), both Sheriff Summary and Sheriff Solemn remand arrivals had increased to levels which were higher than during the latter half of 2022, which appeared to be contributing to the elevated population. He also noted that the time to depart from, or transition out of, remand was significantly higher than pre-Covid.

He emphasised that it was notable how close the population currently was to the higher range of the JAS projections. The Chair noted that these were sobering projections and that, if they transpired, could cause an unprecedented impact on criminal justice system.

4) Updates on current action from Scottish Government and Scottish Prison Service – SG/SPS

The Chair invited Jim Kerr to give an update on behalf of SPS. He noted it was that helpful to have these projections as it allowed for planning to take place.

He said that a key SPS action in response to these pressures would be to move more prisoners into cells that were designed for a single prisoner.

He said it was a difficult to speak about a maximum number of prisoners that could be accommodated because of the complexities of population management. He said that although SPS had plans to redistribute prisoners to other accommodation, this was very challenging for both SPS and for partners (e.g. NHS services) and the facilities that supported prisoners (e.g. kitchens and visiting centres) would be the same size regardless of the increased numbers. He noted that SPS recognised that there was a need to improve the process of identifying, through risk assessment, prisoners who can be moved to the open estate.

The Chair said that this update was very helpful and underpinned that this was not just an SPS issue, but was a wider system issue.

Quentin Fisher gave an update on behalf of the Scottish Government. He said that the Cabinet Secretary had given a steer that all available options should be considered, but that there was a recognition that a significant number of levers that were available were within the control of partners rather than the Scottish Government. He noted that the SG were taking forward work on HDC and the use of electronic monitoring as a matter of urgency. He also noted that although some of the work being undertaken may result in quite small reductions in population, but it was important to think about the impact collectively. He also highlighted work on the implementation of Bail and Release Act and the benefits of potentially increasing investment/support for community justice services (although this was subject to Ministerial agreement).

5) Organisational views on population trends, suggested system response and organisational solutions – All

The Chair requested the feedback/collective understanding of those present as to why the prison population was increasing and potential mitigating actions:

- It was theorised that overtime resource being used on case marking by COPFS and that lot of cases on petition were coming down to summary.
- The Chair said that if there was data which organisations are seeing, which might be helpful to understand trends in the prison population, that the Scottish Government would be supportive of this being quality assured.

ACTION: Organisations to consider whether additional quality assurance could be carried out in respect of data related to the increasing prison population.

- Laura Buchan stated that COPFS were going to conduct a regular audit on the attitude towards bail by different decision makers within COPFS to ensure that COPFS oppose bail consistently.
- It was noted that there had been an uplift in serious crime, as well as a change in nature of crime over recent years – i.e. increased prosecution of domestic offences.
- The impact of more warrant appearances and the knock on effect from Covid (i.e. the impact of delay in sentencing and the impact on remand figures) was also noted.
- It was noted that it would not be possible to drive police custody levels to much lower than the current figure without agreement from the relevant scrutiny bodies.
- The impact of 'error terror' in was mentioned – which, as a consequence, staff were risk-averse because of the potential for a 'catastrophic outcome' to occur.
- The potential benefits of greater use of GPS tagging were noted – along with the potential consequence that using modern technology would promote greater confidence in recommending/using electronic monitoring.
- It was mentioned that there had been a 113% increase in people held on remand who were immediately being released upon being sentenced and that one consequence was that these individuals were not eligible for HDC. The benefits of providing support being provided to individuals while on HDC was mentioned.
- Recent changes in the use of bail was mentioned and, specifically, it was suggested that it would be beneficial for the impact of supervised bail to be analysed.
- It was also mentioned that the greater use of alcohol monitoring bracelets and GPS may be beneficial as it would increase the offer available to courts.
- Delays in sentencing were highlighted as a major issue, along with issues around progression within custody.
- It was suggested that it may be beneficial for there to be further work on HDC, further prevention work as part of the implementation of the Bail and Release Act and potentially greater use made of Community Custody Units.
- It was also suggested ensuring that learning should be taken from the emergency measures which were deployed during the pandemic.

- It was suggested that the use of EM bail be examined. It was also suggested that reviews of decisions to refuse bail also be examined – as there was a perception amongst defence solicitors that these were not often successful and consequently a reticence from solicitors about seeking these.
- It was noted that parole cases are becoming more complex and needing more input from social work - which has a knock on effect for how quickly the Parole Board were able to consider cases.
- It was suggested that consideration be given to halfway house accommodation and to addressing the issues with releasing people who have complex medical needs. It was noted that the Prison Care Network have offered to bring together clinical and SPS staff if this would be helpful.
- It was suggested that a focus on progression would be beneficial, which could help identify mechanisms to free up population.
- It was clarified that there no new additional prison capacity being developed.
- The concept of ‘sentence creep’ was discussed – i.e. the fact that life sentence minimum periods are expanding.
- Karyn McCluskey noted that CJS has offered to go out and meet sheriffs to discuss the use of EM.
- It was empathized that it important to look at people and their influences (i.e. housing), and not just the underlying figures. The Chair agreed that there needs to be cross-governmental approach – with a focus on related aims such as reducing poverty.
- It was suggested that there may need to be a focus on risk assessment, and in particular, more targeted ICM.

[REDACTED - 30(b)(ii) of FOISA]

Next steps – Chair

The Chair said that the plan was to use the group on fortnightly basis and to pivot the group to be more action focussed once we have an understanding of the relevant drivers of the projected prison population increase.

ACTION: attendees to have a look within own organisation to understand there is anything else which is driving this population increase.

Once this is done the Chair said that the group should pivot to focus on a clear action plan to deliver solutions and look for creative ideas and solutions.

It was noted that, although the Group understand the figures, there was not yet a clear understanding of the drivers of the increase in the prison population and that there needed to be more work carried out to better understand this.

it was emphasised that there was a difference between individuals who can't and won't comply with court orders. It was stated that when speaking with Sheriffs, they had estimated that around 80% can't rather than won't – due to chaotic lives.

Note of Prison Population Leadership Group (20th September 2023)

Attending

Cat Dalrymple – Scottish Government (Chair)
Amy Wilson - Scottish Government
Carolyn McLeod - SLAB
Colin Spivey - PBS
Craig Sawyers – NHS Forth Valley
David Fraser - SCTS
REDACTED – Scottish Government
Gordon McCreadie – Police Scotland
Iona Colvin – Scottish Government
Jim Kerr – SPS
Quentin Fisher – Scottish Government
REDACTED – Scottish Government
Keith Gardner - CJS
Laura Buchan - COPFS
Leona Paget – NHS Forth Valley
Linda Pollock - SPS
Mark McSherry – RMA
REDACTED – Scottish Government
Sharron Stirrat – SWS

Welcome and Apologies

The Chair welcomed those attending and noted that there were new attendees - including Mark McSherry, Colin Spivey, Carolyn McLeod, Sharron Stirrat and Leona Paget.

She asked for any comments on the note of the previous meeting and it was noted that Karyn McCluskey (who was not attending) had previously emailed the Group membership to highlight a point she had made around short sentences.

It was confirmed that no proposed changes to the terms of reference had been received since the last meeting

Discussion on drivers of prison population

The Chair introduced the previously circulated paper on the drivers of the prison population.

Amy Wilson noted that there was no straightforward explanation derived from looking at crime statistics as to why we are seeing a rise in the prison population. She

discussed the changing ways that disposals have been used over time and the impact of the increase in the remand population.

The Chair asked for views from attendees

Iona Colvin asked how far was drug use was factor in the increase in the prison population.

Amy Wilson said that this this was difficult to tell because an individual may be using drugs but not be convicted of a crime involving drug use and crime statistics record the index offence (i.e. the most serious crime) so this may not reflect some individuals convictions for drug offences.

Linda Pollock noted that it was a useful paper. [REDACTED - 30(b)(ii) of FOISA] She also referenced the impact of individuals being imprisoned for short sentences and asked what else could be done. The Chair said she was alive to these issues as part of the long term plan.

[REDACTED - 30(b)(ii) of FOISA]

The Chair said there was no political appetite for new prisons (as opposed to replacement prisons) and the long term strategy to reduce prison population. She said there was a need to ensure that we understand the profile of individuals who are in prison and reserve prison for those who pose a risk of serious harm – and that this would lead to a reduction.

Jim noted that life sentences are now longer than previously and that the sentence profile is different.

Mark McSherry said that it was important to understand why life sentence minimum sentence lengths were increasing, while OLR sentence lengths were decreasing.

Craig Sawyers requested a separate discussion on issues impacting the NHS – i.e. the proposed Polmont prisoner moves and said that the current healthcare provisions within this prison is insufficient if prisoner numbers were increased.

He said that there needed to be forum to address these issues before decisions are taken. Linda Pollock said that discussions with NHS colleagues were taking place and that they were aware of the impact and challenges that increasing prisoner numbers in Polmont would have on the NHS and JSW.

PPLG Action Plan

The Chair introduced the action plan and set out its purpose.

Iona mentioned that she had convened a meeting of colleagues to discuss suggestions. She referred to suggestions around further short-term work including on electronic monitoring, bail supervision and the provision of throughcare support. She referred to medium term work on progression and sentencing options.

Action - Iona to circulate paper to the Group.

The Chair said that she recognised work the around increasing the use of electronic monitoring and the need to increase the offer to the judiciary.

Keith discussed the thematic review on progression which he understood would be available in November. He said that the action plan should reflect that there are different prison population strands (e.g. remand, lifers).

Action: Consider steps to make the action plan more thematic

The Chair said there was a need for ownership of the ideas contained in the plan. She noted that if any of the actions required system-level programme management then these can be added to the relevant transformation change programme (TCP 2).

Carolyn referenced the focus on EM bail and the need to clarify misunderstandings around its usage.

The Chair agreed that it would be helpful for PDSO help with its promotion that and it was important that there was a mechanism by which Sheriff were reminded of available options.

Colin spoke of the challenges around progression for the Parole Board and that there was a need for further work on this to ensure informed risk assessment. He also referenced a potential end-to-end review of parole system which he recognised has been discussed but that this hasn't been taken forward. He also spoke of the need for more intensive supervision model for community – to help provide better evidence for release decisions.

He said that there needed to be prioritisation about what would have the greatest impact.

The Chair agreed that there was a need for the plan to be thematic and prioritised.

Mark indicated that there was lot of work focussed on HDC. He noted that 82% of HDC cases considered had an assessment that community disposal was feasible, but that the individual was subsequently were imprisoned and that there was a need to use this evidence for HDC. He noted work together with JAS/SPS on long term risk profiles.

Laura Buchan said that COPFS had pulled together data since the last meeting, and were happy to share figures.

The Chair thanked group members for their attendance and continued engagement and closed the meeting.

Note of Prison Population Leadership Group (19th October 2023)

Attending

Cat Dalrymple – Scottish Government (Chair)

Amy Wilson - Scottish Government
Carolyn McLeod - SLAB
Colin Spivey - PBS
David Fraser - SCTS
Gordon McCreadie – Police Scotland
REDACTED – Scottish Government
Keith Gardner - CJS
Leona Paget – NHS Forth Valley
REDACTED – Scottish Government
Sharron Stirrat – SWS
REDACTED – Scottish Government
REDACTED – Scottish Government
REDACTED – Scottish Government
Allister Purdie - SPS
Ian Whitehead - SPS
Jennifer Hamilton – COPFS
Edward Kotrys - RMA

Apologies

Quentin Fisher – Scottish Government
Linda Pollock – SPS
Jim Kerr – SPS
Iona Colvin – Scottish Government
Laura Buchan - COPFS
Mark McSherry – RMA
REDACTED – Scottish Government
Lyndsey Smith – Social Work Scotland
Craig Sayers – NHS Forth Valley

Welcome

The Chair welcomed those attending and noted that the apologies. On actions from the last meeting, it was noted that a paper from Iona Colvin had been shared and it was currently being considered by colleagues in SG and with a view to incorporate suggestions from this into the action plan if appropriate. On the action to make the Action Plan more thematic, it was noted that the suggested actions from this group had been incorporated with the Scottish Government actions currently underway. The action plan will continue to be refined and SG colleagues were happy further suggestions on how it can be improved.

The Chair noted the announcement by the UK government on 16 October on a range of areas related to the prison population, in particular the early release of prisoners (under compassionate release powers) and a presumption against short sentences. Colleagues in SG were working through the statement and the announcements and considering potential implications for Scotland.

Updates on Action Plan

Action 1 – Reviewing the case handling and assessment processes for Home Detention Curfew (HDC) – This was discussed under agenda item 3.

Action 2 – increase and extend use of electronic monitoring, incl. GPS – It was noted that work is continuing and discussions with G4S are underway. Colleagues are considering impact and information sharing, in particular the data protection issue.

Action 3 – Communication and engagement to increase use of electronic monitoring - data had been provided to CJS and this is now being worked through with infographics as well as a paper. There was also consideration around targeting information around efficacy of EM for defence agents. It was noted there was interest in GPS and alcohol monitoring among sheriffs and there was opportunity to promote EM at Judicial Institute induction. There was a question around what is available at the Judicial Institute Hub.

Action – David Fraser to make inquiries to find out what is available in the Judicial Institute Hub and Keith Garder to share material if needed.

Action 4 - Optimising use of prison estate for additional places – this was covered under agenda item 4.

On Action 5 –Establish system operational contingency plans where appropriate – [REDACTED - 30(b)(ii) of FOISA] Questions around what needs to be prioritised and decisions around risk were discussed. A further meeting with all three organisations was planned.

Action 6 – Improvements to progression - this was covered under item 4 on the agenda.

Action 7 – Data analysis and quality assurance by COPFS to ensure bail is supported/opposed consistently. - Jenny Hamilton gave an update on the quality assurance work that COPFS were undertaking on bail decision making. This had involved researching 750 marking decisions and how this relates to outcomes. The question was raised whether this involved checks against the guidance and whether a written update on this would be possible.

Action – Jenny Hamilton to check whether this also includes checking decisions against the guidance and whether written update is possible.

Action 8 – Develop a common understanding of risk across the justice system – Edward Kotrys gave an update on the work the RMA are taking forward in relation to developing a common understanding of risk. A paper on how RMA can support this work had been sent to Quentin Fisher and they would be able to give a further update once Mark McSherry and Quentin Fisher had met to discuss.

Action 9 – Develop greater understanding of drivers of the increase in prison population – Amy Wilson updated that there had been a decrease in remand arrivals but feedback from the system was still needed to understand this trend. The Ops and Analysis group was meeting next week and would be able to report back further at after that.

Action – All partners to share intelligence on current trends and patterns.
Action – Amy Wilson to report back from the Ops and Analysis group.

Action 10 – Evaluation carried out of the impact of supervised bail - [REDACTED – OFFICIAL 1] gave an update that this work is ongoing and a few more details are being worked out before more can be shared.

HCD

[REDACTED OFFICIAL 2] gave an update that work was underway optimising the full appropriate use of HDC which involved close working with SPS and Justice Social Work. One part of this was changing the approach to HDC, creating a presumption for HDC and supporting decision makers. The also involved looking at assessment and how this could be streamlined. There was also work looking at incorporating GPS and scope to look at extending the criteria, which could be changed under SSI. A task and action group was meeting next week and will be meeting frequently until Christmas.

In discussion it was noted that these changes were intended to create a positive change in culture but they were unlikely to lead to very large changes. It was also noted that social work were really open to what their role could be to support this, but there resource implications would have to be considered.

SPS mitigations

SPS were currently doing work on setting out their extended operating capacity, capacity that would be safe and not breach human rights. Work on reconfiguring the estate was progressing with Ratho Hall in Edinburgh now receiving adult males (around 100) and Iona Hall in Polmont being prepared to receive adult males (around 200). In the slightly more longer term, discussions were underway regarding maximising use in HMP Grampian but there were challenges around staffing. There was also a focus on progression with the intention to maximise use in HMP Castle Huntley and streamlining the process. There was a 6 part plan including developing a shared understanding of risk. A focus was to get continuity in feeding through the system. SPS were also looking at the options around modular blocks. These were not considered preferable since they run the risk of becoming permanent which they are not designed for. There are also long lead in times and staffing issues.

In discussion questions were raised regarding capacity of NHS and prison based social work in HMP Edinburgh and HMP YOI Polmont. Edinburgh were already working with this population but there were more challenges in Polmont. There was a need for engagement with those partners on their recruitment etc.

AOB

The question was raised what engagement criminal justice social work are having with the criminal defence bar and others involved in the criminal court process as

there was evidence of some potential misunderstandings. The potential for more communication and engagement was highlighted.

The Chair thanked group members and closed the meeting.

Paper 2 - Prison Population Leadership Group – 2nd November 2023

Attendees

Cat Dalrymple (Chair)
Iona Colvin - SG
Leona Padget – NHS Forth Valley
REDACTED - SG
REDACTED - SG
REDACTED - SG
Linda Pollock - SPS
Lynsey Smith – Social Work Scotland
REDACTED - SG
Colin Spivey – PBS
Mark McSherry - RMA
REDACTED - SG
REDACTED - SG
REDACTED - SG
Jim Kerr - SPS
Laura Buchan - COPFS
David Fraser – SCTS
Keith Gardner - CJS

Apologies

Carolyn McLeod - SLAB
Ian Whitehead - SPS

Welcome

The Chair welcomed those attending and noted the apologies. She asked those present whether they were content with the note of the previous meeting. There were no issues raised, but [REDACTED - SG OFFICIAL 1] noted a previously received correction from Carolyn McLeod.

Action Log

The Chair asked Laura to provide an update on action 2: "*Jenny Hamilton to check whether this also includes checking decisions against the guidance and whether written update is possible.*"

Laura said that COPFS had reviewed decisions to oppose bail in Glasgow and Edinburgh. She said that this work was looking at the decision not the outcome. She said 17% of the bail decisions analysed in Glasgow were marginal in nature, but were not contrary to the marking guidelines.

ACTION 1: Laura to share information on the outcomes of the Glasgow and Edinburgh analysis upon completion.

The Chair referenced action 3: “*All partners to share intelligence on current trends and patterns*”. She noted that this action remained open and asked for partners to continue to forward all relevant information to [REDACTED - SG OFFICIAL 2].

The Chair noted Action 4: *Amy Wilson to report back from the Ops and Analysis group*. She noted that Amy was on leave, but said that there had been a useful discussion on this matter. She also noted that JAS would provide an update to the PPLG at the next meeting.

The Chair referenced Action 1: *David Fraser to make inquires to find out what is available in the Judicial Institute Hub and Keith Garder to share material if needed*.

David confirmed that he had made enquiries to the Judicial Institute and that Keith had shared relevant information. David noted that they would need to be a formal request made in order to get access the bench book.

ACTION 2: Chair to investigate further steps that can be taken to ensure useful material is made available to the judiciary.

Paper from Iona Colvin: Social Work - Prison Population

The Chair thanked Iona for the paper and noted the need to attach ownership where possible to its actions. Iona noted the paper was primarily written by [REDACTED – SG OFFICIAL 3].

The Chair noted the potential issues in agreeing further work where it would require additional resource/funding.

Iona explained that the paper contained options for Ministers to consider and reflected the need for partnership working and to look at short, short-medium and long term options.

- **Paper Action 1 – Bail Supervision: This is a suggestion for greater understanding of how EM bail and bail supervision are being used by the judiciary**

Iona noted that this related to potential action that could be made increase the use of alternatives to remand by the judiciary.

Lynsey noted the need for intelligence to be gathered from the judiciary regarding social work effectiveness and on potential subsequent action which could be taken.

ACTION 3 – Social Work Scotland to explore the potential for further engagement with the judiciary

Carolyn noted that she shared information relating to this matter with [REDACTED – SG OFFICIAL 4] (SG Head of Public Protection). She noted that they had received

useful insight from the defence bar. She offered to gather further information on this issue – including from PDSO.

ACTION 4 - SLAB to send further information from defence solicitors regarding EM bail/supervised bail.

Keith noted that CJS have spoken to around a hundred Sheriffs about electronic monitoring. Keith noted that they had produced a paper on the merits of electronic monitoring and were happy for this to be shared.

The Chair noted that there had been a briefing paper produced for the judiciary during COVID describing conditions in prison. She asked if there was merit in doing something similar to this now.

ACTION 5 – SG to consider whether it would be beneficial for a paper to be drafted regarding current conditions in prison.

Mark discussed how risk has an impact on decision making and said that the potential communications may be a useful opportunity to put across a consistent message around decision making involving risk.

- **Paper Action 2: Home Detention Curfew (HDC) – This is about the use of HDC with an element of supervision in the community.**

It was noted that work on this action was already in hand and that there was a recognition of the concerns around workload.

- **Paper Action 3: Justice Social Work Reports – “This is about understanding whether there has been a decrease in the Courts agreeing with JSW recommendations and if so why. “**

Lynsey said that we need to have assurance that reports submitted to court are of a high standard. She noted that [REDACTED – SG OFFICIAL 5] improvement work on this issue has made a difference, but that there is more that social work can do on articulating risk. Mark agreed that the new guidance has helped, but noted that there were conflicting views among Sheriffs.

The Chair said that any engagement needed to focus on the quality of social work reports – specifically, what improvements would help decisions around sentencing.

ACTION 6 – Social Work Scotland to consider what can further action can be taken on this matter.

- **Paper Action 4: Merger of charges - This is about potential of ‘rolling-up’ of cases to avoid people going to court again shortly after release.**

[REDACTED – SG OFFICIAL 3] provided detail around this proposed action and the associated issues.

The Chair highlighted the on-going RRT work in relation to combining warrants to allow for cases to be taken together. She noted that there may have been unintended consequence in that combining multiple charges has potentially led the judiciary to be more likely impose a custodial sentence (i.e. in the situation that an individual is ultimately appearing in court with multiple offences rather than a single offence).

Keith said that CJS would look at running of this matter.

ACTION 7 – CJS to investigate the current situation in relation to warrants.

Laura said that she would investigate the current action being taken by COPFS in relation to markers being taken together, but noted that there were issues when cases were in different Sheriffdoms.

ACTION 8 – COPFS to look into current operational mechanism in relation to warrants.

- **Paper Action 5: Voluntary throughcare - This is about wider emphasis on throughcare support for people serving short-term sentences and individuals on remand.**

[REDACTED – SG OFFICIAL 3] highlighted that work on voluntary throughcare was on-going. He explained that that a major issue with voluntary throughcare is its visibility - as many people do not realise that they were eligible to receive support. He then highlighted on-going CJS work on commissioning and the links with forthcoming legislative requirements.

[REDACTED – SG OFFICIAL 6] noted that support is currently provided through third sector organisations. She noted that a major issue was resource, but also that the understanding of differing roles/responsibilities was key and that support needs to be given to coordination.

The Chair highlighted the issue of unplanned release and the impact that this has on individuals.

[REDACTED - 30(b)(ii) of FOISA]

Lynsey noted that there is a project in Glasgow which assist with coordination and uses SPS supplied data. She noted that the Glasgow's health and homelessness team were involved with this project.

- **Paper Action 6: Progression - This is about further developing the current processes within custody and JSW being more involved in wider policy development of progression with SPS and other stakeholders.**

[REDACTED – SG OFFICIAL 3] noted that this suggested action does not relate to all aspects of progression, but rather it focuses on whether there are custodial interventions which could be carried by a social worker.

Keith noted that the HMIPS report on progression was very detailed and asked whether there is merit in waiting to see this before planning any work.

Lynsey noted that SWS are linked with SPS on this matter and that groupwork was historically supported by social work. She said that the issue ultimately comes down to resource and noted issues with the recruitment of psychologists.

Mark recommended a proportionate approach and said he would welcome being involved.

Jim noted that it would be Sue Brooks who is leading this work and that SPS would be happy to speak about this matter on another occasion.

- **Paper Action 7: Custodial Interventions – is very related to the point about progression and involves further development of custodial interventions and opportunities for PBSW to be more involved in interventions.**

There was minimal discussion on this action.

- **Paper Action 8: Sentencing Options - This is about exploring different options for sentencing, such as suspended prison sentences and hybrid sentencing, to give the judiciary more community based options and more confidence in available sentences.**

[REDACTED – SG OFFICIAL 3] noted the on-going work on sentencing, that feedback that had been received from the judiciary and referenced work that was on-going in other jurisdictions.

Colin raised the importance of social workers having access to parole dossier at an early stage. He said there sometimes ambiguity about whether social work can access the rest of dossier.

Next Steps

Cat noted that the prison population is still a critical issue. She said that the next PPLG meeting will look at prison population projections and what these mean for the system. She highlighted that we may be seeing seasonal trends (which normally involved a reduction in the prison population in December) and said that we must not get complacent.

Jim provided an update on behalf of SPS. He said that the adult male population continue to be the biggest challenge in terms of the prison population and noted that there has been a 15% increase in those sentenced to more than 10 years in the last year.

He discussed the complexity involved with identifying the finite capacity of the custodial estate, but said that work was on-going to help provide information on this. He noted that 80% of the prison estate is running above capacity. He said that a risk

assessments were carried by each prison and that a programme of work was on-going to ensure that SPS could make better use of existing capacity.

Cat concluded by noting that the prison population was a system issue and that she appreciated the input and support of everyone involved.

Prison Population Leadership Group – 16 November 2023 – Note of Meeting

Attendees

Cat Dalrymple (Chair)
Debbie Campbell - RMA
[REDACTED]- SG
Lynsey Smith - SWS
[REDACTED]- SG
[REDACTED]- SG
Keith Gardner - CJS
Yvonne Taylor - SCTS
[REDACTED]- SG
Colin Spivey - PBS
Laura Buchan - COPFS
Jim Kerr – SPS
[REDACTED]- SG
[REDACTED]- SG
Amy Wilson – SG
[REDACTED]- SG
[REDACTED]- SG
[REDACTED]- SG
Edward Seery – Police Scotland

Apologies from

Elisa Bevacqua - COSLA
Mark McSherry - RMA
Karyn McCluskey - CJS

1) Welcome and apologies

The Chair welcomed members to the Group. She noted an amendment that had been received from Carolyn in relation to the previous minutes.

2) Actions from the last meeting

On-going Action: “All partners to share intelligence on current trends and patterns”.

The Chair noted that there was an on-going action which will be picked up in the presentation by [SG OFFICIAL 1].

ACTION 1: Laura to share information on the outcomes of the Glasgow and Edinburgh analysis upon completion.

Laura said that she would speak to Jennifer Hamilton regarding this action and noted it was still in progress. The Chair suggested that this issue be action be raised again in a month.

ACTION 2: Chair to investigate further steps that can be taken to ensure useful material is made available to the judiciary.

[SG OFFICIAL 2] said that he will come back to the Group on Action 2.

ACTION 3 – Social Work Scotland to explore the potential for further engagement with the judiciary

ACTION 6 – Social Work Scotland to consider what can further action can be taken on this matter.

Lynsey noted that some progress had been on actions 3 and 6. She said that a survey has been drafted and that there was a plan for a single email to issued which asked for questions on HDC, bail and voluntary throughcare. She said that the plan was for this to be sent to the Social Work Scotland Standing Committee for their views, which would next take place at the start of December. She said that it was anticipated that the survey would have a closing date before Christmas.

ACTION 4 - PPLG to advise SLAB of any further information which could usefully be gathered from the defence bar.

The wording of this acting was amended by SLAB. It was noted that this action had been completed.

ACTION 5 – SG to consider whether it would be beneficial for a paper to be drafted regarding current conditions in prison.

Consideration of this is still underway.

ACTION 7 – CJS to investigate the current situation in relation to warrants.

An update was provided by Keith. He noted that he was looking at operational information to see if there is an issue.

ACTION 8 – COPFS to look into current operational mechanism in relation to warrants.

Laura said they were looking at the mechanisms by which cases were associated and related guidance. The Chair noted that there needed to be assurance that this was taking place. Laura said she would speak to head of NICP to see if there is assurance that can be put in place around this.

ACTION 9: SG to explore the development of pilot to address this issue [unplanned release]

The Chair noted that was still under consideration, but also noted noting that resources are limited and that prioritisation is underway.

3) Update on recently published prison population projections (Prison population projections: November 2023 edition - gov.scot (www.gov.scot) – Justice Analytical Services

[SG OFFICIAL 1] gave a presentation on the prison population projections that had been published this week.

He noted that there had been a period of stability in September, but that there was uncertainty as to whether population will increase or decrease going forward. He noted that the modelling had been carried out using a microsimulation technique gives scenario-based projections of the national prison population over the next 6 months. He said that the modelling is led by the Operational Research team in Justice Systems Analysis Unit in JAS and that the quarterly projections are due to be published again in February 2024 (covering January to June 2024).

He then provided an overview of the modelling of transitions between remand, sentenced and community populations.

He said that in recent projections it was estimated that the population was most likely to either be at a similar level, or slightly higher in March 2024, compared to October 2023. The projected average daily population in March 2024 is between 7,500 and 8,650

He provided details of the projections of three of the nine modelled scenarios.

He noted that the court recovery programme shift from summary to solemn has contributed to increased solemn court throughput, leading to elevated case conclusions from April 2023 in Sheriff Court Solemn and High Court.

He said that imprisonment disposals were elevated in High Court, Sheriff Court Solemn and Sheriff Court Summary from April 2023 onwards compared to the previous year; which has contributed to the flow into the sentenced population being higher than the outflow, and the sentenced population has increased. However, case registrations have been higher than expected since April 2023. He said that high remand arrivals are a key factor in the rise of the prison population during 2023.

The Chair said that the presentation is unequivocal in what we are facing

Yvonne discussed the increase in summary registration. She said that COPFS had brought in system where they will be marked within 28 days which explains the increase – but shouldn't impact greatly on figures. Laura noted that you can tell when the initiative came in to clear the marking backlog. She said that the vast majority are cited cases, which won't impact on remand and sentenced population. She noted work that was underway in relation to the removal of the timebar.

Jim noted the difficulty in planning when figures vary widely. He said that a prison population of 8650 will exceed SPS's capacity to safely accommodate prisoners. He noted work that was underway to manage the population – including moving prisoners and work on risk assessment.

The Chair asked whether there is scope to prioritise remands even further. Laura said that COPFS were undertaking work on this matter - looking at custody courts and continuing the audit work. She said that there were conversations on-going with Police Scotland about decision making on remand/citation. She said that in relation to high court decision making that there were steps that could lead to improvement - including fixing custody cases as early as possible (which is responsibility of COPFS), actively pursuing pleas in remand cases (which COPFS would be open to working with defence agents) and that that there was a need for COPFS to consider what more we can do to be proactive.

Debbie noted the HDC work that was being taken forward by the RMA. She noted that there could be improvements to HDC that can be made which will increase numbers in a defensible way. Yvonne highlighted an initiative in Glasgow around pleas. She said that it had been running for three weeks and 30 cases had been brought forward and pleas agreed.

Keith noted the relationship between police custody and remand – he said that there was a need to understand the Police Scotland position on undertakings.

Laura said that COPFS regularly check to see if principles are properly applied - to see if someone should be custody or undertaking/released for investigative liberation. She said that COPFS can have a look at this – and can share this work – but she felt that the result would largely be what we would expect.

Eddie confirmed that Police Scotland regularly review its position on undertakings and were taking forward work to ensure consistency (including direct measures). He said that he will collate the relevant figures.

ACTION: Eddie to collate figures in relation to undertakings.

Laura noted the high court mapping work carried by SCTS and said that COPFS can see what significant cases are coming through which are likely to get significant sentences if undertaking.

Amy said that it would be beneficial for JAS and COPFS to have a further conversation on this as the current model is to look at probability.

ACTION: JAS and COPFS to have a conversation on modelling

Jim asked whether it would be possible to have longer-term prison population projections. Amy said that there was work being taking forward on another product – a scenario planning model. She said that would be less precise but would allow JAS to look 5 years into the system with a common set of assumptions. She said that JAS will work on this over next few months with partners.

4) AOB

The Chair noted the SG work on contingency planning work and that SG officials may be in touch with members regarding the population issues – given projections it is likely we would be looking for a quick turnaround but the engagement will be informal. She noted that work with SPS continues on HDC and Bail and Release from Custody Act implementation. She noted that colleagues were progressing work at pace on GPS technology.

Jim provided an update on the current situation within SPS. He said that SPS were asking each prison to carry out individual risk assessments. He noted that there was no contingency space available and if there was a major disturbance that this would be an issue. He noted that there was a 40% increase in reportable incidents (compared to an 8% increase in the prison population). He said that there was scoping work on relationship between risk and population increase.

New Action: JAS to circulate slides if this is possible

The Chair thanked members for attending and said let us know if they have any observations following the meeting.

ANY NOTES/READOUTS PROVIDED TO SCOTTISH MINISTERS OF THE MEETINGS

Prison Population Leadership Group

A Prison Population Leadership Group has been set up with leaders across all areas of Justice alongside Health and Social Work representation. This group is designed to ensure system level ownership of the issue and collective understanding of the reasons behind the growth. Whilst always recognising the independent parts of the system, there has been increased engagement with Judiciary around the use of alternatives to custody by Community Justice Scotland. This has also focused on improving understanding across the Judiciary of the uses of electronic monitoring. COPFS are committed to ensuring that marking decisions comply with the bail guidelines and are auditing decision making to confirm compliance and Police Scotland will continue to operate within the legislation and guidelines regarding bail, utilising Undertakings and Investigative Liberation where appropriate.

ACTION PLAN – PRISON POPULATION LEADERSHIP GROUP

	Action	Lead Organisation(s)	Comment	Time-scales for completion
1	Reviewing the case handling and assessment processes for Home Detention Curfew (HDC)	SG	Work closely with SPS, RMA and partners to develop improvements in case handling and assessment processes, in order to facilitate full appropriate use of HDC.	TBC
2	Increase and extend use of electronic monitoring, incl. GPS	SG	Work is currently being taken forward to increase use of electronic monitoring with the aim of decreasing the number of individuals who are imprisoned by promoting robust alternatives to enable management in the community. Includes commencing relevant Bail & Release Act provisions. Work continues to be needed by all operational partners to embed the recent changes to introduce EM bail. Practical issues remain (no access to those in cells for assessment due to GeoAmy delays, LAs still not assessing people from	Changes to introduce GPS alongside HDC will take 6-8 months from the point of an agreed HDC model of operation. The Bail and Release provisions in relation to EM at point of sentencing will have dependency on SCTS system changes but aim is commencement in weeks not months.

			outwith their home local authority area).	
3	Communication and engagement to increase use of electronic monitoring	CJS	Engagement with courts by CJS to promote use of EM (for community disposals) addressing known east/west split. This could involve the creation of a communication strategy around local Sheriffs/Defence Bar to promote understanding and use.	On-going – very important nuance of messaging remains about what can be done now, not changes yet to come in the system.
4	Optimizing use of prison estate for additional places	SPS	Includes extension of operating capacities, full mobilisation of HMP Stirling, increase use of doubling up, purchase of 48 places at HMP Kilmarnock, and repurposing other available space.	On-going
5	Establish system operational contingency plans where appropriate.	SG	Meetings with key partners around this are underway	On-going
6	Improvements to progression	SPS	Includes identifying, through risk assessment, prisoners who can be moved to the open estate	On -going

7	Data analysis and quality assurance by COPFS to ensure bail is supported/opposed consistently.	COPFS	Work on-going by COPFS and findings will be shared once the audit has concluded.	Tbc
8	Develop a common understanding of risk across the justice system.	SG / RMA	The Framework for Risk Assessment, Management and Evaluation (FRAME) outlines the agreed policy approach between justice agencies in Scotland to risk assessment and risk management. It may be required to consider what additional steps can be taken to promote a common understanding of risk levels and a culture of defensible decision making across justice agencies.	Long term
9	Develop greater understanding of drivers of the increase in prison population	SG – all partners	Justice Analytical Services have extensive analysis on drivers. Organisations to analyse their data/management information to identify reasons for recent increase in prison population.	On-going
10	Evaluation carried out of the impact of supervised bail	SG	This will be considered as part of potential future work on the alternatives to remand.	TBC

	Actions currently not taken forward			
	Consideration to be given to implementing measures to enable the use of half-way house accommodation	SG	Will be considered as part of any potential funding discussions	Paused for now
	Analysis on why bail decision reviews are so often unsuccessful		Not considered appropriate for the SG to take forward given the independence of the Court's decision making.	Paused for now