

Public Audit Committee

4th Meeting, 2024 (Session 6), Thursday, 1 February 2024

The 2022/23 audit of the Scottish Prison Service

Introduction

1. At its meeting today, the Committee will take evidence from the Auditor General for Scotland on [The 2022/23 audit of the Scottish Prison Service](#), which was published on 12 December 2023.
2. The Auditor General has prepared a note on the key messages from the report, which can be found at **Annexe A**. The full report can be found at **Annexe B**.
3. The Committee will decide any further action it wishes to take after the evidence session today.

Clerks to the Committee,
29 January 2024

Annexe A

BRIEFING PAPER BY THE AUDITOR GENERAL FOR SCOTLAND

The 2022/23 audit of the Scottish Prison Service

1. The Auditor General has prepared a report under section 22 of the Public Finance and Accountability (Scotland) Act 2000 on the 2022/23 audit of the Scottish Prison Service. The report was published on 12 December 2023.

2. The report highlighted the considerable risks facing the Scottish Prison Service. This included the poor performance of the company that transports prisoners to and from custody, as well as the challenge presented by an increasing prison population that is becoming more complex.
3. Key messages from the report are:
 - In recent years GEOAmev, who operate the Scottish Courts Prisoner Escorting Services contract, has been unable to achieve the staffing levels required to effectively deliver the contract. The ongoing poor performance of the contract is resulting in delays and inefficiencies across the justice sector, impacting on policing, prison services and the courts.
 - The Scottish Prison Service has taken several actions to support improvement in GEOAmev's performance. This has included issuing Improvement Notices and applying financial penalties of around £4 million (to 2022/23) in line with the contract's terms. These have had limited impact. SPS is now taking more direct action including financial support to GEOAmev to aid staff recruitment and retention, while at the same time limiting the use of performance measures and financial penalties.
 - Scotland's prison population is increasing and becoming more complex. Greater proportions of prisoners are required to be accommodated separately due to a wide range of issues including their legal status (remand or convicted), sex, age or offending history.
 - Significant investment is required to create a fit-for-purpose prison estate. Since a major review of its estate in 2002, SPS has carried out extensive redevelopment work to parts of its estate to improve living conditions. Despite this investment, the forecast increases in the prison population will put additional, extensive pressure on the existing estate.
 - His Majesty's Inspectorate of Prisons in Scotland (HMIPS) highlighted in her 2022/23 annual report that 'the ageing infrastructure and general condition of some of Scotland's prison buildings are ill-suited to a modern prison system'. As at March 2023, around one-third of prisoners were in cells of double occupancy, many of them in HMP Barlinnie which is relied upon to accommodate significant rises in population.
 - Plans for a replacement prison for HMP Barlinnie, HMP Glasgow, are being progressed. The total cost of the project is expected to be significantly higher than an earlier cost estimate of £387.6 million in October 2019. This is attributed to inflationary pressures and an updated design to reflect 'Net-Zero' commitments and changing requirements post-Covid to safely manage the prison population.
4. The auditor will continue to monitor the situation and the Auditor General will report further in public as necessary.

The 2022/23 audit of the Scottish Prison Service



AUDITOR GENERAL 

Prepared for the Public Audit Committee by the Auditor General for Scotland
Made under section 22 of the Public Finance and Accountability (Scotland) Act 2000

December 2023

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The 2022/23 audit of the Scottish Prison Service

1. I have received the audited annual report and accounts and the independent auditor's report for the Scottish Prison Service (SPS) for 2022/23. I am submitting these financial statements and the auditor's report under section 22(4) of the Public Finance and Accountability (Scotland) Act 2000, together with this report that I have prepared under section 22(3) of the Act.

2. My report brings to the Scottish Parliament's attention issues relating to the Scottish Courts Custody Prisoner Escorting Services (SCCPES) contract managed by SPS on behalf of the Justice Multi Agency Liaison Group, as well as wider concerns about the projected increases in the prisoner population and the impact this will have on the prison estate.

3. The auditor issued an unqualified opinion on the financial statements of SPS for 2022/23.

Key messages

- The SCCPES contract was awarded to GEOAmeY PECS Ltd (GEOAmeY) in March 2018. The contract, managed by SPS on behalf of justice partners, is for the safe and secure transfer of prisoners in Scotland between specified locations such as prisons, courts, police custody units and healthcare facilities. Its successful delivery is critical to the effective operation of the criminal justice system in Scotland.
- In recent years, GEOAmeY has been unable to achieve the staffing levels required to effectively deliver the contract. Between April 2022 and October 2023, staffing levels at GEOAmeY decreased from around 660 to around 520 full-time equivalents, around 25 per cent less than the estimated 670 to 700 needed to deliver the required levels of service. Between July and September 2023, only 62 per cent of prisoners due in court arrived on time and only 63 per cent returning from court arrived back on time. Similarly, only 65 per cent of non-court escort services such as transfers to hospitals, police identification parades or special escorted leave, took place on time. The ongoing poor performance of the contract is resulting in delays and inefficiencies across the justice sector, impacting on policing, prison services and the courts.

- SPS has taken several actions to support improvement in GEOAmeys performance. This has included issuing Improvement Notices and applying financial penalties of around £4 million (to 2022/23) in line with the contract's terms. These have had limited impact. SPS is now taking more direct action including financial support to GEOAmeys to aid staff recruitment and retention, while at the same time limiting the use of performance measures and financial penalties. SPS anticipate that these actions will take around six months to take effect.
- Scotland's prison population is increasing and becoming more complex. Greater proportions of prisoners are required to be accommodated separately due to a wide range of issues including their legal status (remand or convicted), sex, age or offending history. In 2022/23, the average population was 7,426. By 13 November 2023, the population had increased to 7,948. Forecasts by SPS show that the population is expected to increase further over the next six months to 8,166 by the end of March 2024.
- Significant investment is required to create a fit-for-purpose prison estate. Since a major review of its estate in 2002, SPS has carried out extensive redevelopment work to parts of its estate to improve living conditions. Four new prisons were constructed during this time including the most recent, HMP Stirling, in June 2023. Two new community custody facilities were also opened during 2023 to support female prisoners prior to release and work has commenced on a replacement for HMP Inverness. Despite this investment, the forecast increases in the prison population will put additional, extensive pressure on the existing estate.
- His Majesty's Inspectorate of Prisons in Scotland (HMIPS) highlighted in her 2022/23 annual report that 'the ageing infrastructure and general condition of some of Scotland's prison buildings are ill-suited to a modern prison system'. This includes HMP Barlinnie, HMP Castle Huntly, HMP Dumfries, HMP Greenock, HMP Inverness and HMP Perth. Combined these prisons provide accommodation for approximately 35 per cent of Scotland's current prison population. As at March 2023, around a third of prisoners were in cells of double occupancy, many of them in HMP Barlinnie which is relied upon to accommodate significant rises in population.
- Plans for a replacement prison for HMP Barlinnie, HMP Glasgow, are being progressed. A full business case is expected to be considered by Scottish ministers before the end of 2023. The total cost of the project is expected to be significantly higher than an earlier cost estimate of £387.6 million in October 2019. This is attributed to inflationary pressures and an updated

design to reflect 'Net-Zero' commitments and changing requirements post-Covid to safely manage the prison population.

Background

4. SPS is an executive agency of the Scottish Government. It is responsible for those who are committed to care by the Courts and is accountable to the Scottish Parliament for its functions in accordance with The Prisons and Young Offenders Institutions (Scotland) Rules 2011.

5. SPS directly operates 15 prisons across Scotland ([Appendix 1](#)). A further two, HMP Addiewell and HMP Kilmarnock, are run under Private Finance Initiative (PFI) contracts. The PFI contract for HMP Kilmarnock will end on 17 March 2024, when the prison will return to public ownership under the operation of SPS.

6. SPS is also responsible for managing the SCCPES contract on behalf of the Justice Multi Agency Liaison Group (MALG). This group includes SPS, the Scottish Courts and Tribunals Service (SCTS), the Crown Office and Procurator Fiscal Service (COPFS) and Police Scotland.

7. SPS continues to manage significant risks that impact on the operational sustainability of the service. This includes increasing prisoner numbers; increasing complexities of the prison population (for example, adequate separation of prisoner groups and increasing numbers of older prisoners); a challenging financial environment; and managing a large estate which includes establishments that are no longer fit for a modern prison system.

8. As an executive agency, SPS is funded by the Scottish Government. In 2022/23 SPS spent £499 million including £70.9 million on capital expenditure. Of the resource expenditure, a total of £221.7 million was spent on staff costs covering a staffing establishment of 4,562.

The Scottish Court Custody and Prisoner Escorting Service contract was awarded to GEOAmey PECS Ltd in March 2018

9. In March 2018, Scottish ministers awarded the SCCPES contract to GEOAmey PECS Ltd (GEOAmey). GEOAmey was the sole bidder. The contract commenced in January 2019 and is for a period of eight years with the option to extend by a further four years. The estimated value of the contract at the time of award was between £238 million and £250 million over the initial eight-year term.

10. GEOAmey is a joint venture between GEO Group and Amey, with each parent company a 50 per cent shareholder. GEO Group operates a number of correctional and rehabilitation services in the USA. Amey is a UK public services provider working across areas such as transportation and the management of complex facilities.

11. GEOAmeY provides prisoner escort services on behalf of the Ministry of Justice in England and Wales. The contractual terms in England are different to Scotland, as the SCCPES contract includes a number of additional requirements.

12. In Scotland, the contract provides for the safe and secure transfer of prisoners between specified locations such as prisons, courts, police custody units and healthcare facilities. It also includes additional services such as funeral escorts; bed watch activity when those in custody are detained for medical treatment; and transfers to Police Scotland interviews and identification parades.

Delivery of the SCCPES contract is critical to the effective operation of the criminal justice system in Scotland

13. The SCCPES contract is managed by SPS on behalf of the MALG. Justice partners across Scotland are reliant on the contract to ensure the effective delivery of services including policing, court proceedings, prosecution services and prison operations.

14. There are several risks associated with the contract if the supplier fails to deliver the required levels of service. These include the impact on prisoner welfare; the reputational risk to SPS and other justice partners; and the ability to deliver effective services and achieve value for money.

15. For example, planned court cases or police identification parades may have to be postponed, prisoner hospital appointments deferred or delays in providing prisoners with special escorted leave for rehabilitation purposes. There is also the opportunity cost associated with using police officers or prison officers to substitute for escorts that have not been delivered under the contract.

The operating environment has changed since the SCCPES contract was awarded to GEOAmeY

16. Since the contract award, the Covid-19 pandemic, subsequent lockdown and other external factors changed many aspects of the contract's operating environment. For example, during the Covid-19 pandemic (between April 2020 and June 2021) financial support totalling £6.3 million was given by SPS to GEOAmeY to ensure normal contractual delivery by avoiding staff being furloughed. At the same time, the introduction of temporary virtual courts and social distancing measures changed the nature and type of work required.

17. Since Covid-19 restrictions were lifted, higher prisoner numbers have seen increased volumes of prison-to-prison transfers and greater volumes of hospital appointments and bed-watches. There has also been changing demands on prisoner court transfer numbers requiring the use of smaller fleet vehicles but using the same number of escort staff.

18. As the contract is volume-led, these changes to demand levels, or the type of escort support required, has a direct impact on the service levels required of GEOAmeY and therefore the level of payments made to them.

GEOAmeY has been unable to achieve the staffing levels required to effectively deliver the contract

19. In its initial projections, GEOAmeY estimated that it would need to employ around 670 to 700 full-time equivalent (FTE) prison custody officers (PCOs) to successfully deliver its contractual obligations. These levels were achieved over the first two years of the contract to 2021 but have not been reached since.

20. SPS reported that a challenging labour market significantly increased staffing costs for GEOAmeY compared to those anticipated when the contract was signed. GEOAmeY also reported to SPS that changes in service requirement post-Covid have made the contract financially unsustainable. This was particularly in relation to the changes in demand profile and new initiatives to address the backlog of court cases arising during the pandemic.

21. In its 2022/23 Annual Report and Accounts, SPS reported that while court volumes increased, other contractual elements remained at significantly lower levels than pre-Covid.

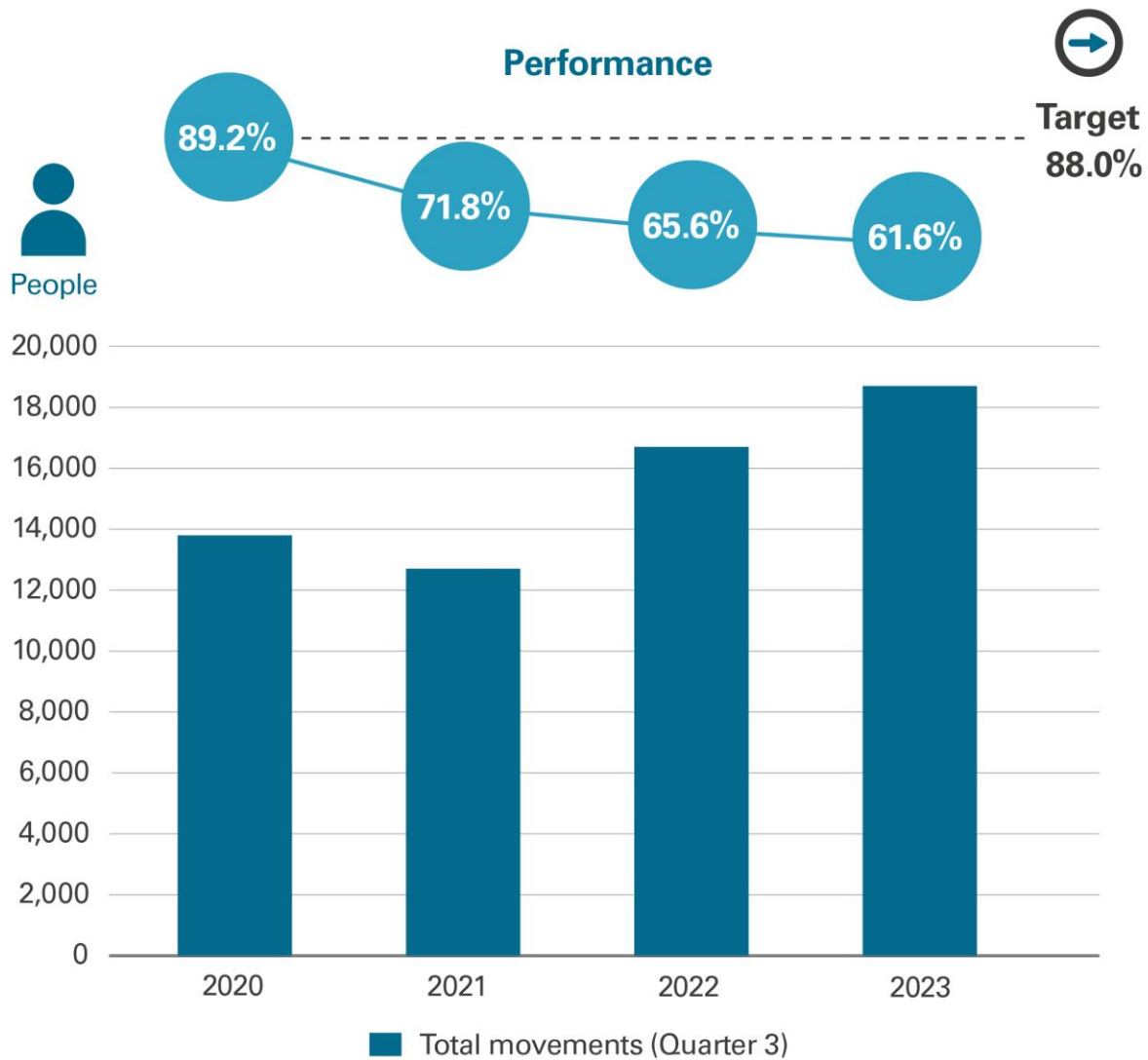
22. As a result, in October 2023, GEOAmeY's staffing levels had dropped to around 520 full-time equivalents, a decrease of between 20 and 25 per cent on required levels. SPS advised that comparatively low pay for PCOs was the primary reason for the decline in GEOAmeY staffing levels and their ability to recruit replacements.

The failure to effectively deliver the contract is impacting on services across justice partners

23. Despite early teething problems, by the end of 2019 the contract was being delivered to acceptable levels. Since mid-2021, GEOAmeY has failed to deliver the requirements of the SCCPES contract in several key areas. This includes court arrivals, court returns and non-court appointments.

24. The performance indicator on court arrivals measures the timely arrival of those in custody to court. Any late arrival can delay planned proceedings in Scottish courts. As shown in [Exhibit 1 \(page 8\)](#), the percentage of court arrivals being delivered on time decreased from 89.2 per cent in quarter 3 of 2020, to under 61.6 per cent in quarter 3 of 2023. This is against a target of 88.0 per cent.

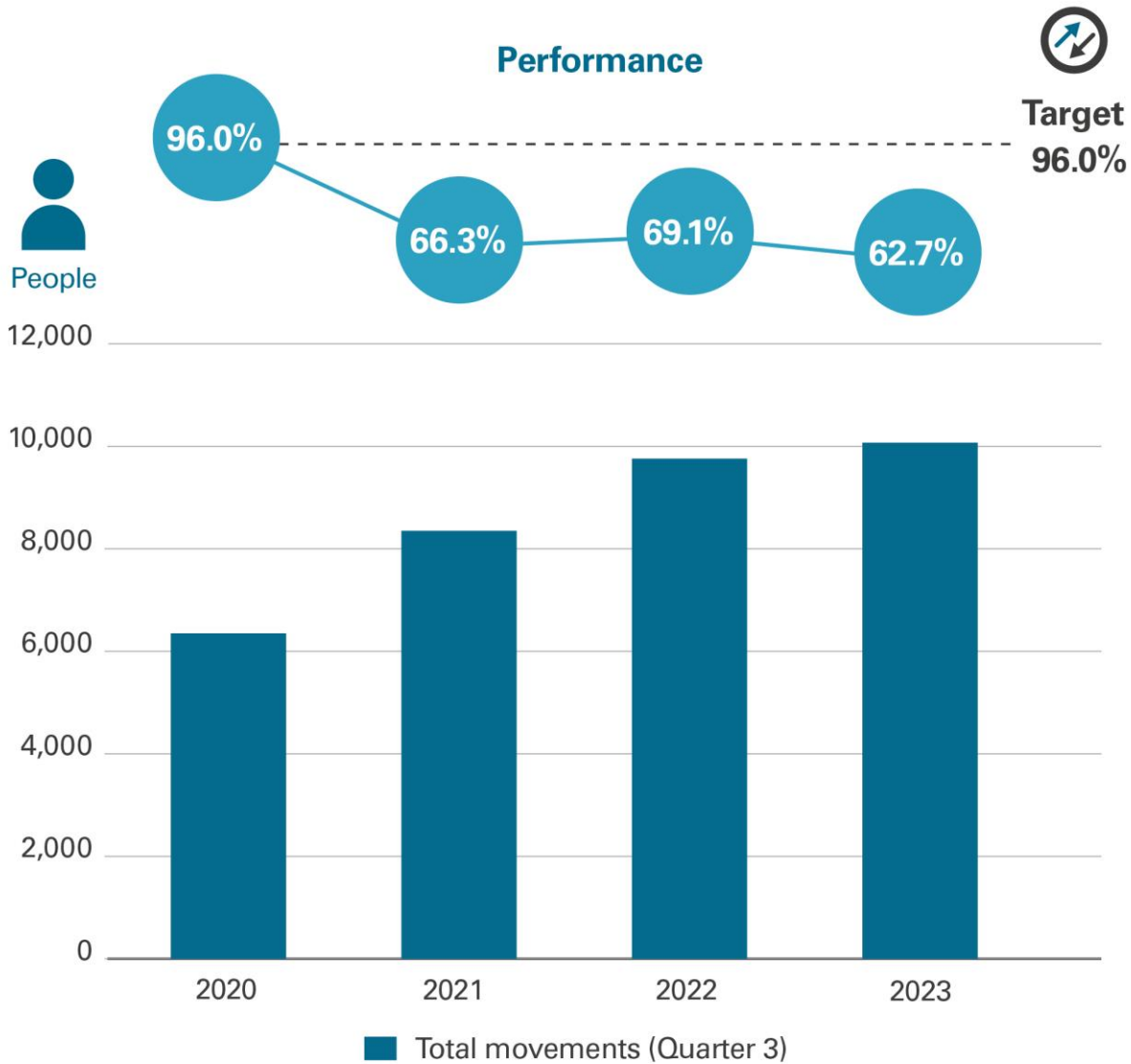
Exhibit 1
Number and percentage of court arrivals



Source: SCCPES Quarterly Business Review (QBR) reports

25. The performance indicator on court returns measures the timely departure of a prisoner from court premises to a place of custody. [Exhibit 2 \(page 9\)](#) shows that GEOAmeys performance has decreased from 96 per cent in quarter 3 of 2020 to 62.7 per cent in quarter 3 of 2023. This is against a target of 96 per cent.

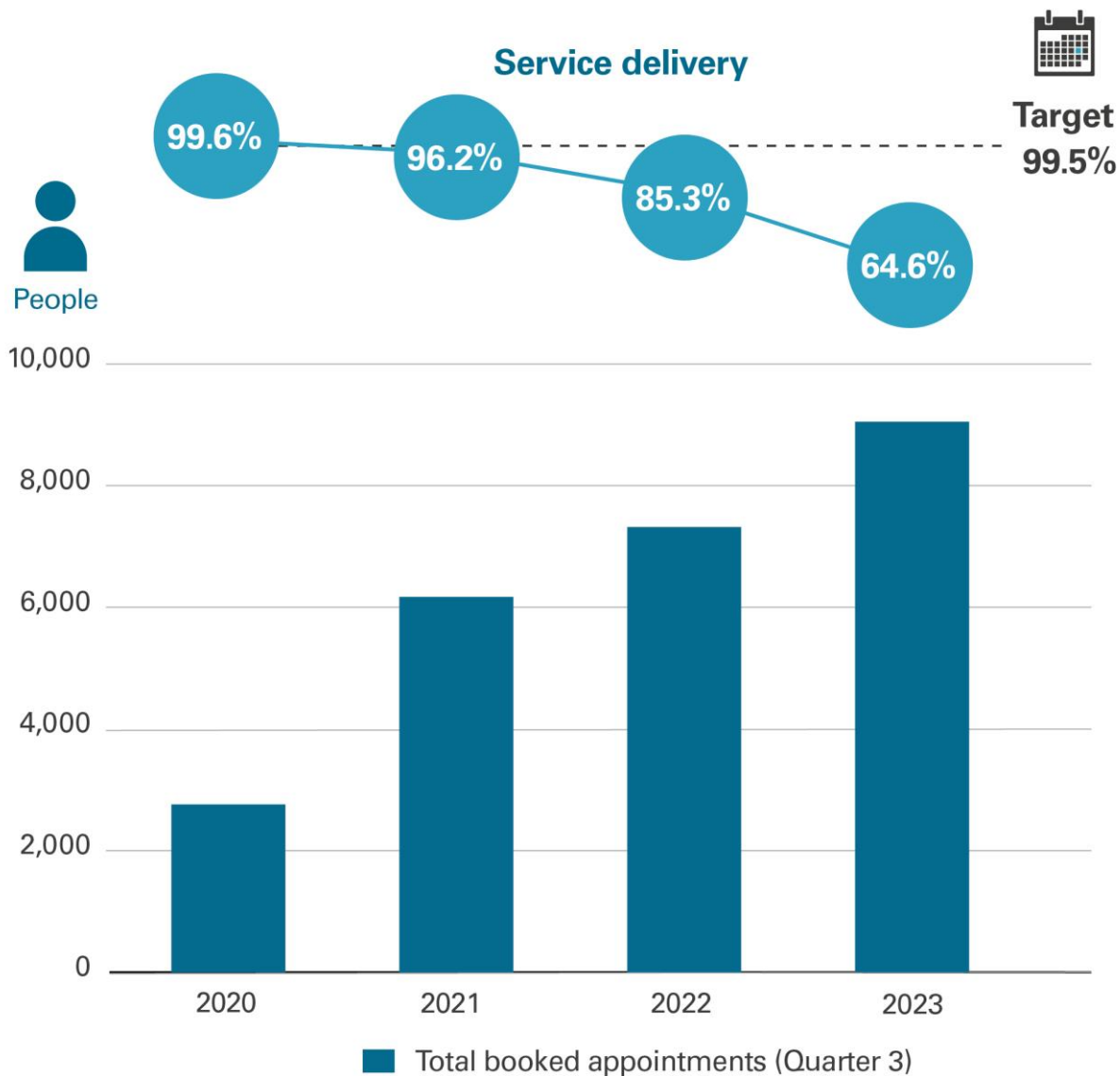
Exhibit 2
Number and percentage of court returns



Source: SCCPES Quarterly Business Review (QBR) reports

26. Non-court appointments include the movement of individuals to children’s hearings; funeral escorts; hospital and other healthcare appointments; special escorted leave; and identification parades. [Exhibit 3 \(page 10\)](#) shows that GEOAmey’s performance in this area has declined from 99.6 per cent in quarter 3 of 2020, to 64.6 per cent of movements being completed on time in quarter 3 of 2023. This is against a target of 99.5 per cent.

Exhibit 3
Number and percentage of non-court appointments



Source: SCCPES Quarterly Business Review (QBR) reports

27. The failure to effectively service the contract is having a considerable impact on service delivery across the justice sector. For example:

- At SCTS, scheduled court sessions have been postponed and planned changes to jury court operations, including the development of virtual custody courts, have been delayed.
- Police Scotland has had to cancel identification parades and in some instances police officers have been taken off other duties to provide cover.
- At SPS, hospital appointments for those in custody have been missed. Where prison officers have been asked to undertake these transfers, this

has removed front line resource from prisons. SPS estimates that around 20 FTE of its own staff are required per day to substitute for prisoner transfers that cannot take place under the contract.

- There have been instances where those in custody have missed community leave days. This can result in delays to prisoners moving on to the next stage of their sentence if they are unable to demonstrate key requirements at parole hearings.

28. There is also an impact on the National Health Service (NHS) with planned hospital appointments requiring to be postponed or cancelled if the relevant prisoner is not transferred to the facility on time.

SPS has issued GEOAmeY with five separate 'Improvement Notices' and applied service credits totalling £4 million

29. SPS, on behalf of justice partners, can serve Improvement Notices on GEOAmeY in relation to any specific failures to comply with obligations under the contract. These notices require GEOAmeY to either immediately undertake remedial measures or to submit a time bound action plan to address the issues identified. Since December 2021, SPS has issued five 'Improvement Notices' to GEOAmeY.

- In December 2021, an Improvement Notice was issued in relation to hospital appointments. Performance subsequently improved to compliant levels and the notice was lifted in April 2022.
- In May 2022, an Improvement Notice was issued relating to contractual data accuracy and verification. This stated that GEOAmeY had 'not been able to meet or consistently perform its contractual service requirements' in relation to information systems and monitoring, inspection and security risk assessments. The notice advised that the lack of consistency 'to record, store and provide accurate data...has had a detrimental effect on SPS's ability to verify GEOAmeY PECS Ltd achieving the required Performance Measures'. It also highlighted significant issues in relation to the accuracy of verified data to assure SPS that billing information is correct.
- In December 2022, a further Improvement Notice was issued in relation to hospital appointments. During the period August to October 2022, a total of 705 hospital appointments were recorded as GEOAmeY failures. Of these, 561 were cancelled by the escort due to resourcing issues. Eighty-six appointments did go ahead late, but the impact on the prisoner or the NHS of these delayed appointments is unknown.

- In February 2023, an Improvement Notice was issued in relation to Video Identification Parade Electronic Recording (VIPER) appointments, more commonly known as police identification parades. Between September 2022 and January 2023, 368 planned failures were recorded where prisoners had not been escorted to planned VIPER appointments. The Improvement Notice highlighted that a number of court cases had to be postponed as a result of these failures, and on at least one occasion charges had to be dropped with the individual being released from custody. This would have required Solemn proceedings to continue due to the nature of the charges. Solemn procedures involve the most serious criminal cases and may lead to a trial before a judge in the High Court or a Sheriff in one of the sheriff courts. GEOAmey has challenged the substance of these claims.
- In June 2023, an Improvement Notice was issued in relation to court cell and court docks delivery. The notice states that many aspects of the contractual requirement 'are no longer being met or delivered, resulting in significant issues for SCTS, COPFS, Judges, Sheriffs and other partners within Criminal Justice'. It also highlights specific failures in relation to staffing, delivery and security at many court sites. This is resulting in Solemn cases being delayed due to GEOAmey's inability to support court business.

30. SPS has also issued a number of service credits where performance has failed. These are credits applied to payments where the specified service level has not been met. Between 2019/20 and 2022/23, service credits totalling over £4 million had been applied with further credits expected for performance failures during 2023/24.

31. SPS has advised that service credits were not intended for a scenario where the contractor failed to deliver over a sustained period. They were designed to provide focus on specific issues, with the aim of encouraging resolutions to be identified and implemented within a short timeframe.

SPS and justice partners have taken additional steps to support GEOAmey and to avoid contract failure

32. SPS has taken a number of actions designed to support GEOAmey and its delivery of the contract and to prevent overall contract failure. These included:

- In August 2022, SPS implemented a moratorium where it would not impose certain service credits. This was to reduce the potential financial burden and allow GEOAmey to refocus on improving key areas of the contract. Further changes were made during 2023 to reduce the impact of performance measures and the number of applicable service credits.
- SPS requested that the NHS change the scheduling of hospital appointments prior to 9.30am to help avoid scheduling clashes with court appearances, where typically a prisoner is required to attend at least 30 minutes (Sheriff Court) or 45 minutes (High Court) before the day's proceedings commence. GEOAmey advised that while SPS attempted to

provide support in this area, the majority of appointments are still at the same time that court deliveries are scheduled.

- In conjunction with SCTS, the number of PCOs required at Solemn cases has been temporarily reduced from two to one. This is unless specific circumstances require more than one officer in attendance.
- In October 2023, revised payment rates were agreed aimed at supporting GEOAmeY in the retention and recruitment of its staff. This should allow GEOAmeY to increase hourly rates for staff by around 17 per cent and above comparable market rates. It is expected to take around six months for this to have a positive impact. SPS has advised that in making such adjustments, the additional cost of supporting the SCCPES contract will be £1.8 million in 2023/24, and £2.2 million per annum thereafter.

33. Looking ahead, SPS's Contract Management Unit (CMU) has been authorised to review the full range of options to ensure that the contract is both viable and sustainable over the remaining term. SPS and other justice partners have worked on contingency planning in the event of contract failure. In the absence of any clear alternative, SPS and its justice partners strong preference is to support GEOAmeY in improving its contract performance.

34. If the contract was to be terminated, GEOAmeY may be due compensation based on defined formulae in the contract. The value of the termination sum would depend on the reason for termination and the timing in relation to the contract. SPS may also be required to assume responsibility for any costs associated with the termination of GEOAmeY staff contracts.

35. The initial eight-year contract term will end in January 2027. Work by SPS and justice partners on retendering the contract is expected to commence in 2024.

SPS is managing an increasing and more diverse prisoner population

36. The Scottish prison population is increasing and becoming more complex. Greater proportions of prisoners are required to be accommodated separately due to a wide range of issues including their legal status (remand or convicted), their sex, age or offending history.

37. SPS has advised that there are also greater numbers of older prisoners, including those who enter custody later in life. At the end of 2022/23, a total of 16.4 per cent of the prison population was aged 51 or over. This included 287 (3.8 per cent) who were aged 61 to 70 and a further 130 (1.7 per cent) who were aged over 70. This impacts on the nature of support required.

38. There are eight over-arching categories of offence for which people are imprisoned in Scotland. These are:

- non-sexual crimes of violence
- sexual offences
- crimes of dishonesty

- damage and reckless behaviour
- crimes against society
- antisocial offences
- miscellaneous offences
- road traffic offences.

39. Prisoners with a history of sexual offending, and those with links to serious and organised crime, present additional challenges in how they are segregated within the prison system.

The prison population is forecast to increase over the next six months to March 2024

40. Between 2013/14 and 2022/23, the average population in Scotland's prisons was 7,653. The highest population during this period occurred in 2019/20 with an average population of 8,198 and a maximum of 8,336 being accommodated within the Scottish prison system. During the Covid-19 pandemic, the population declined, largely due to lower case numbers being processed by the courts. In 2022/23, the average population was 7,426 with a maximum at any one point during this period of 7,583.

41. As at 13 November 2023, the Scottish prison population was 7,948. SPS forecasts show that the population is predicted to increase further to 8,166 by the end of March 2024 ([Exhibit 4, page 15](#)).

42. SPS has advised that as at November 2023 the extended operating capacity that the prison estate can accommodate is 8,475. This is the level at which prisons go above their target operating capacity but can still provide a '[restricted regime](#)'. The target operating capacity, currently 8,007, is agreed between SPS and each establishment. As at 2 November 2023, five prisons were operating above their target operating capacity. As part of its Population Strategy, SPS is currently conducting a review to establish the total number of spaces that could be available for use.

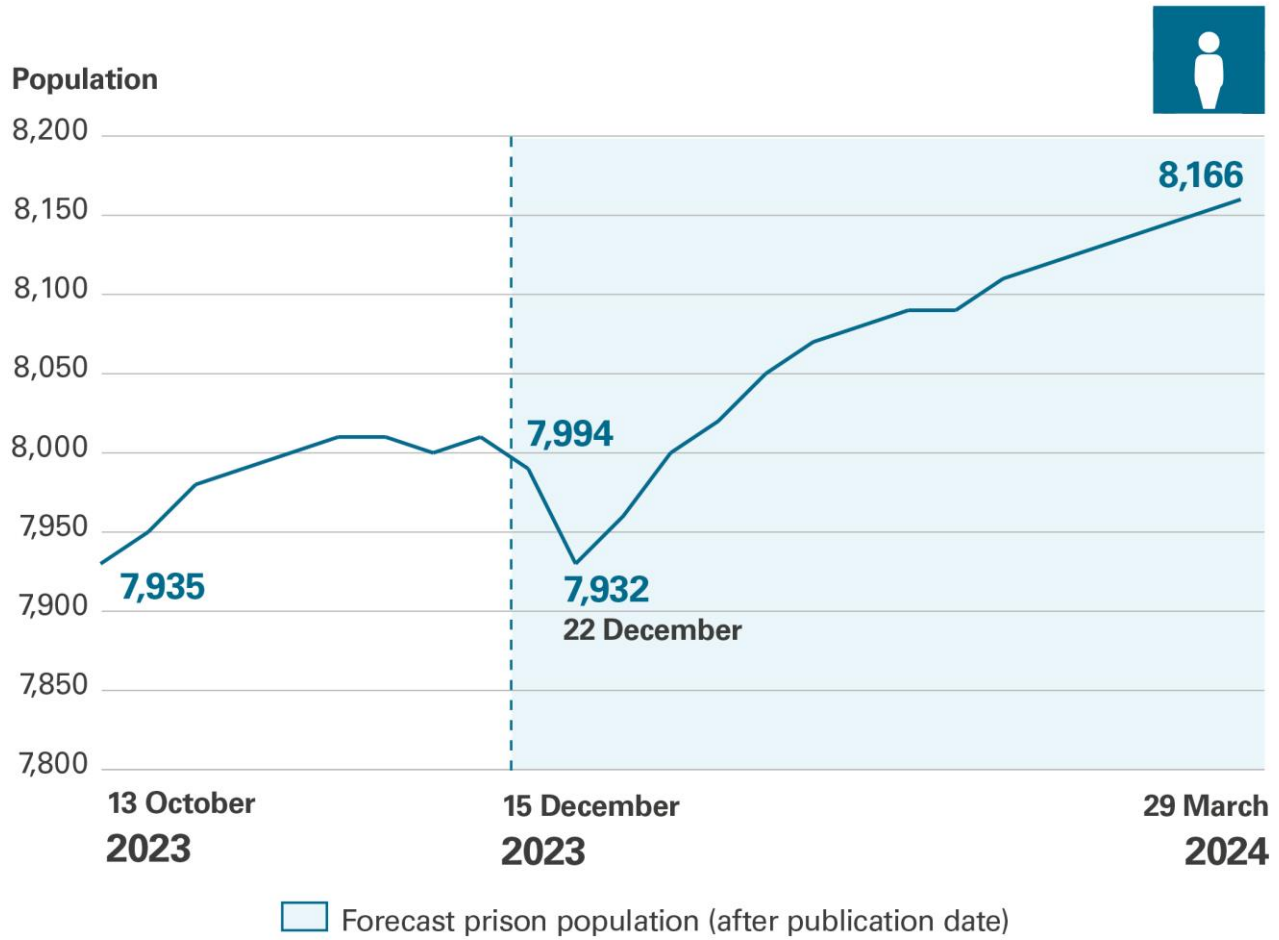
43. Of the total prison population, 73.4 per cent have been sentenced, with 23.4 per cent untried and 3.2 per cent convicted awaiting sentence. There are 165 individuals (2.1 per cent) aged 20 or under, and sentenced males (including male young offenders) account for 70.7 per cent of the population ([Exhibit 5, page 16](#)).

44. SPS has also identified that 45.1 per cent of its population comes from the most deprived areas in Scotland (top 20 per cent). If this is extended, 68.2 per cent of prisoners come from the top 40 per cent of deprived areas in Scotland. Only 3.2 per cent of the prison population is from the least deprived areas (bottom 20 per cent).

Restricted regime

This is when a basic regime is implemented that meets legal requirements (for example time in the open air and access to visits) but may not include all additional activities, such as recreation or work, that are provided under normal circumstances.

Exhibit 4
Forecast prison population to March 2024



Source: Scottish Prison Service data on projected prisoner numbers

Exhibit 5
Analysis of prison population



Population in custody: 7,948



Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
1,862	255	5,831

Women: 309

Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
82	18	209

Men: 7,639

Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
1,780	237	5,622

(Under 16: 0) **Ages 16-17: 4**

Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
2	0	2

Ages 18-20: 161

Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
51	21	89

Ages 21 and over: 7,783

Untried	Convicted	Sentenced
Including persons awaiting deportation	Awaiting sentence	Including recalled lifers and civil prisoners
1,809	234	5,740

Population on home detention curfew: 60

Women	Men
6	54



Source: Scottish Prison Service data on prison population numbers

The forecast increase in population will put stress on an ageing prison estate

45. Significant investment is required to create a fit-for-purpose prison estate. Since a major review of its estate in 2002, SPS has carried out extensive redevelopment work to parts of its estate to improve living conditions. Four new prisons were constructed during this time at HMP Addiewell, HMP Low Moss, HMP Grampian and most recently, HMP Stirling, in June 2023. Two new community custody facilities were also opened during 2023 to support female prisoners prior to release, and work has commenced on a replacement for HMP Inverness. Despite this investment, the forecast increases in the prison population will put additional, extensive pressure on the existing estate.

46. His Majesty's Inspectorate of Prisons in Scotland (HMIPS) highlighted in her 2022/23 annual report that 'the ageing infrastructure and general condition of some of Scotland's prison buildings are ill-suited to a modern prison system'. This includes HMP Barlinnie, HMP Castle Huntly, HMP Dumfries, HMP Greenock, HMP Inverness and HMP Perth. Combined these prisons provide accommodation for approximately 35 per cent of Scotland's current prison population.

47. HMIPS also reported that there are still some 'antiquated Victorian prison establishments that breach human rights guidelines on cell size, are expensive to maintain, and do not provide for the changing demographics'. This is evidenced at HMP Greenock where the report highlights 'the number of cells out of commission and failing roof structures...due to water ingress serve to highlight the challenges in maintaining Victorian infrastructures'.

48. In March 2023, an average of 2,368 prisoners (31.5 per cent) occupied double cells across the prison estate in Scotland. Double cells are used across establishments, including at HMP Perth where HMIPS reported in their May 2023 full inspection report that some shared cells were 'well below the minimum standard of space' as prescribed by the Council of Europe Committee for the Prevention of Torture (CPT).

49. Similar criticisms have been raised by HMIPS in relation to shared cells at HMP Barlinnie which also fail to meet the minimum size prescribed by the CPT. These issues were raised in the August 2019 full inspection report by HMIPS, and again in HMIPS' 2022/23 Annual Report on HMP Barlinnie.

50. As Scotland's largest prison, HMP Barlinnie is relied on for 'surge capacity' when prisoner numbers are high across the estate. The ongoing reliance on prisons that are considered no longer fit for purpose, in particular HMP Barlinnie, presents a significant risk to SPS.

The need to replace HMP Barlinnie has been accepted by the Scottish Government

51. HMP Barlinnie has the largest occupancy of any prison operated by SPS. It has a design capacity of 987, but routinely holds over this amount. During 2022/23 the average population was 1,235, and as at 13 November 2023 the population was 1,406.

52. In its 2019 inspection report, HMIPS considered HMP Barlinnie to be 'physically no longer fit-for-purpose to manage the size and complexity of the population it routinely holds'. The cell sizes at HMP Barlinnie do not meet expected standards, and due to overcrowding there is a lack of regime availability and work opportunities within the prison. This means that those in custody are within residential areas without constructive or purposeful activity for much longer than would be desired.

53. There are ongoing maintenance issues at HMP Barlinnie. Power outages have resulted in the loss of kitchen and laundry facilities, while the loss of water resulted in one hall not having functioning toilets. These issues impact on the care that is provided and have the potential to disrupt operations.

54. SPS recognises that these factors will impact on the mental and physical health of prisoners, making rehabilitation more challenging. It has also acknowledged that the condition of the prison increases the potential for a judicial review or litigation linked to human rights and equalities issues.

55. The need to replace HMP Barlinnie has been accepted within the Scottish Government's Investment Infrastructure Plan (IIP). It was originally included in the IIP in 2011, again in 2015, and continues to be part of the most recent plan published in 2021.

The cost of the new HMP Glasgow has not been confirmed, but is expected to be significantly higher than earlier forecasts

56. Plans for a replacement prison for HMP Barlinnie, HMP Glasgow, are being progressed. Approval has been gained for site acquisition and the Pre-Construction Services contract award, with the concept design completed by January 2023. A full business case has been developed and is expected to be considered by Scottish ministers before the end of 2023.

57. The estimated cost of HMP Glasgow increased from £100 million in 2014 to £387.6 million in October 2019. These initial estimates were based on other comparable projects and requirements at the time. The forecast costs are expected to be significantly higher once the design phase is complete and a contract is awarded in Autumn 2024. This is attributed to inflationary pressures, an updated design to reflect 'Net-Zero' commitments and changing requirements post-Covid to safely manage the prison population.

58. Discussions remain ongoing with the Scottish Government regarding the capital funding allocation for the HMP Glasgow project. Timescales for the project remain unclear.


Conclusion

59. The issues raised in my report are of significant concern, not only to SPS but to the wider justice sector. It will be important for SPS and their partners, SCTS, COPFS and Police Scotland to work together with support from the Scottish Government, to consider all options available to ensure the safe and effective delivery of prisoner escorting services both now and in the future.

60. The number of risks and challenges facing the prisons system is considerable and will be exacerbated further with increasing prisoner numbers in an ageing prison estate. These are not issues that can be resolved by SPS alone. Close collaboration between SPS, the Scottish Government and justice partners, in conjunction with improvements to the prison estate, are essential to ensuring that prison services can be maintained in a safe and secure environment.

61. I will continue to monitor the progress made by SPS and its partners in these areas, with a view to further public reporting in the future.

Appendix 1

	Design Capacity	Extended Operating Capacity	Target Operating Capacity	Population				
				2018/19		2022/23		13/11/2023
				Av.	Max.	Av.	Max.	-
Addiewell	702	725	725	700	705	720	726	722
Barlinnie	987	1500	1300	1,322	1,460	1,235	1,301	1,406
Bella Centre*	16	16	16	-	-	7	9	12
Castle Huntly (open estate)	284	190	184	178	200	120	147	161
Cornton Vale***	-	-	-	88	115	47	66	-
Dumfries	176	195	185	177	195	189	196	189
Edinburgh	867	929	900	889	938	862	900	930
Glenochil	668	750	750	681	743	726	746	736
Grampian	552	474	474	460	450	430	450	443
Greenock	224	252	257	229	240	192	217	227
Inverness	93	120	110	117	139	109	125	114
Kilmarnock	501	596	596	504	580	541	551	580
Lilias Centre*	24	24	24	-	-	8	14	14
Low Moss	784	884	784	773	789	787	849	809
Perth	631	700	660	676	724	634	658	651
Polmont	758	482	404	463	522	289	361	326
Shotts	538	538	538	534	545	541	548	538
Stirling**	100	100	100	-	-	-	-	90
Totals	7,905	8,475	8,007					7,948

Note. *Opened 2022/23 **Opened 2023/24 ***Closed 2023/24

Source: Scottish Prison Service data

The 2022/23 audit of the Scottish Prison Service



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