

Public Audit Committee

9th Meeting, 2024 (Session 6), Thursday, 14 March 2024

The 2022/23 audit of the Scottish Prison Service

Introduction

1. At its meeting today, the Public Audit Committee will take evidence from Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland on the Auditor General for Scotland's (AGS) section 22 report, [The 2022/23 audit of the Scottish Prison Service](#), which was published on 12 December 2023. The report can be found at **Annexe A** of this paper.
2. The Committee previously took evidence from the AGS on the report on [1 February 2024](#). At this meeting, the Committee agreed to seek written evidence from the following organisations:
 - Crown Office and Procurator Fiscal Service
 - NHS in Scotland
 - Scottish Courts and Tribunals Service
 - Police Scotland
3. Written responses from NHS in Scotland and the Scottish Courts and Tribunals Service have been received and can be found at **Annexe B**. The Public and Commercial Services (PCS) Union have also provided the Committee with a copy of a letter it sent to the Cabinet Secretary for Justice and Home Affairs on the impact of the Scottish Courts Custody Prisoner Escorting Services (SCCPES) contract, awarded to GEOAmey PECS Ltd (GeoAmey) in the Scottish Justice Sector. This can be found in **Annexe C**.
4. The Committee will take evidence from GEOAmey at its meeting on 28 March 2024.

**Clerks to the Committee,
11 March 2024**

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.

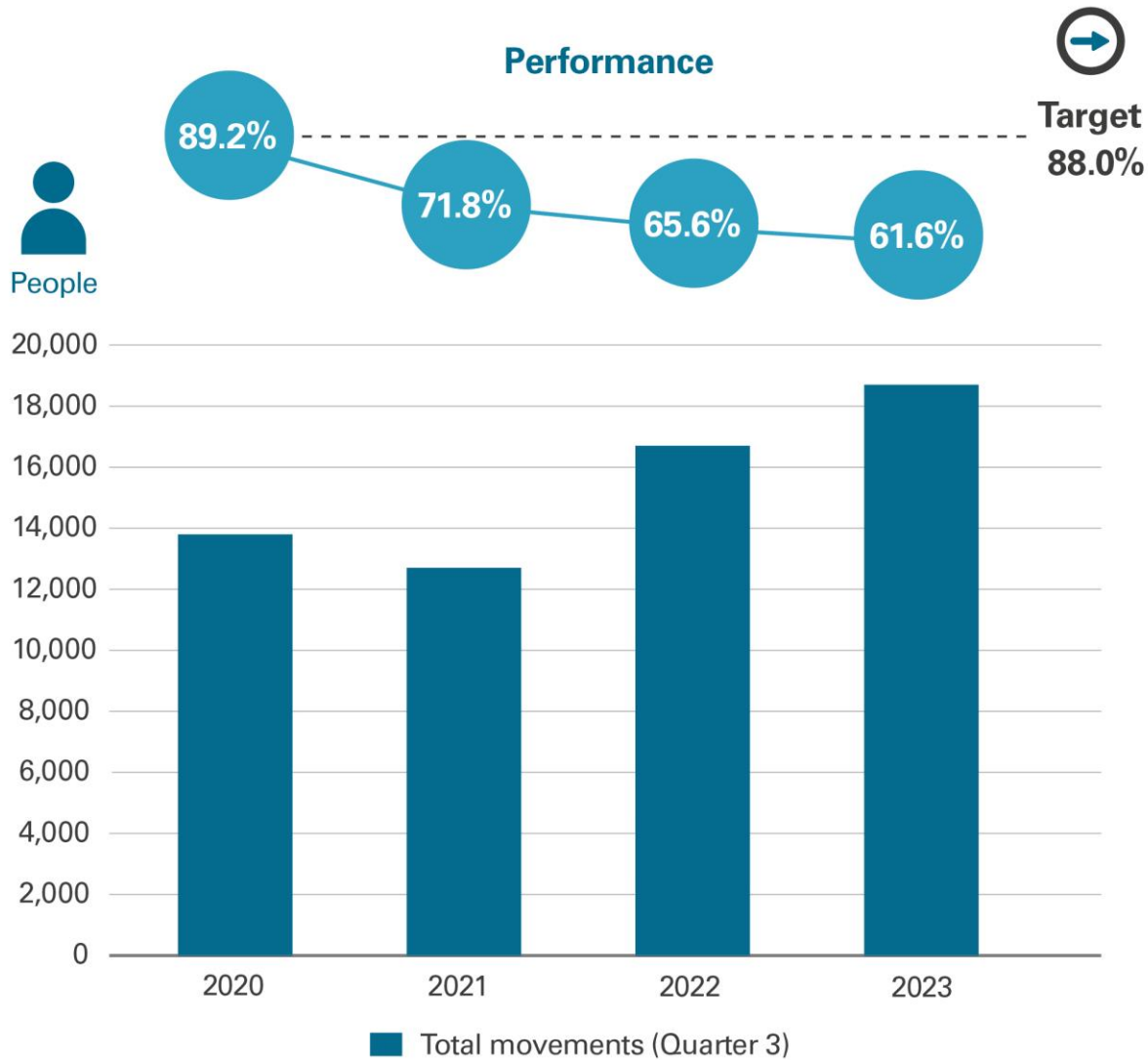
22. As a result, in October 2023, GEOAmeY's staffing levels had dropped to around 520 full-time equivalents, a decrease of between 20 and 25 per cent on required levels. SPS advised that comparatively low pay for PCOs was the primary reason for the decline in GEOAmeY staffing levels and their ability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

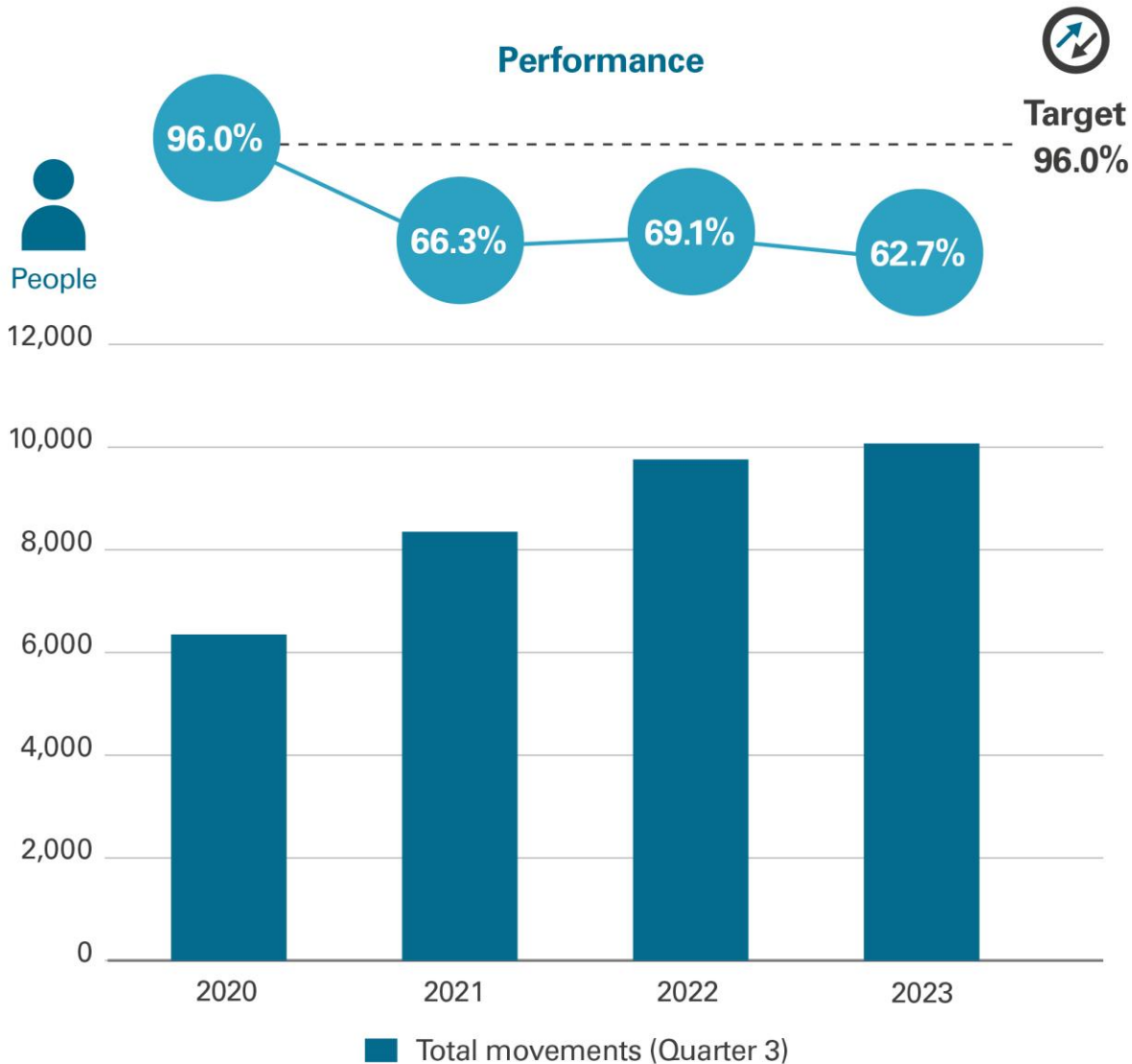
Exhibit 1
Number and percentage of court arrivals



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.

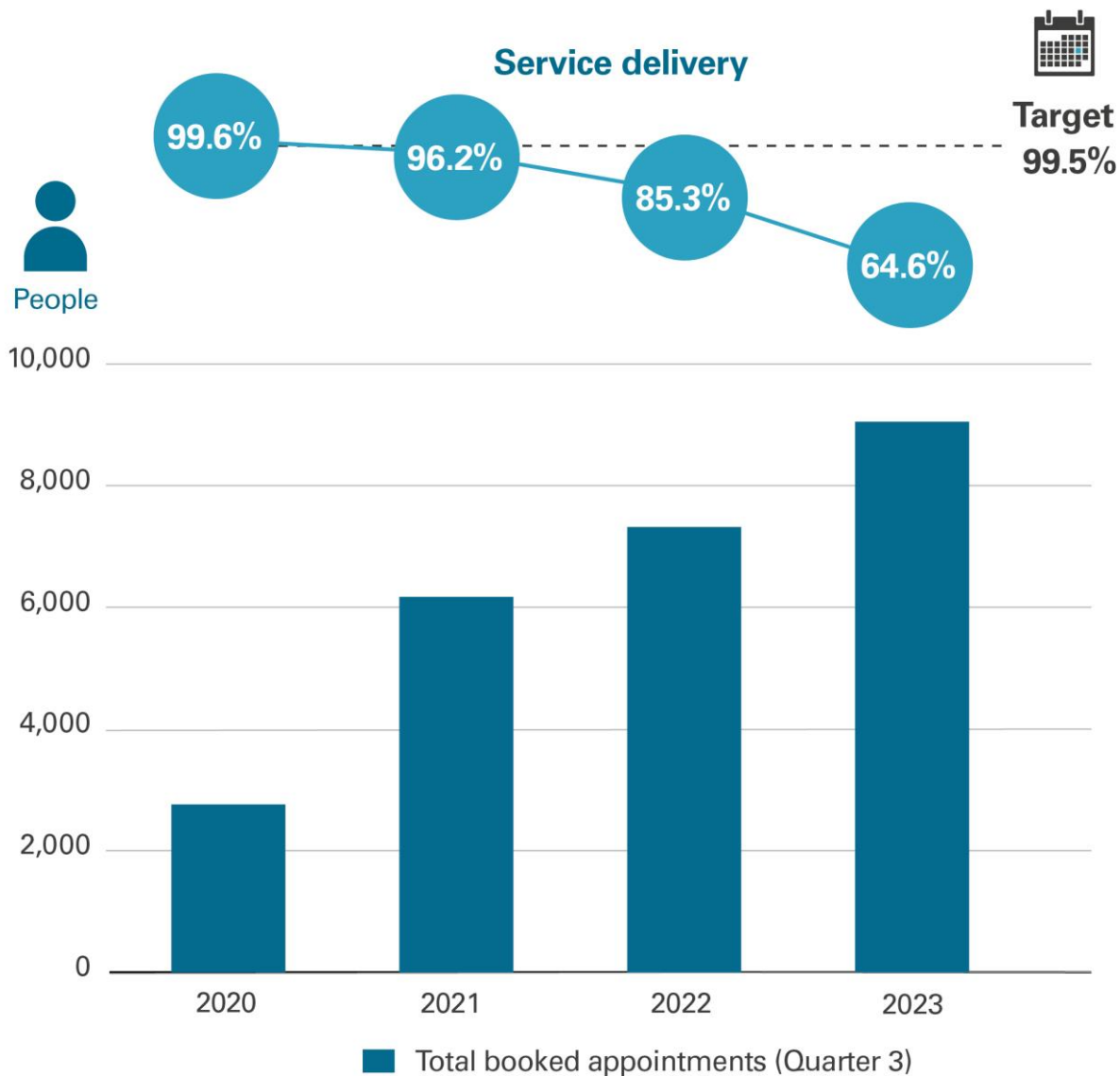
Exhibit 2
Number and percentage of court returns



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.

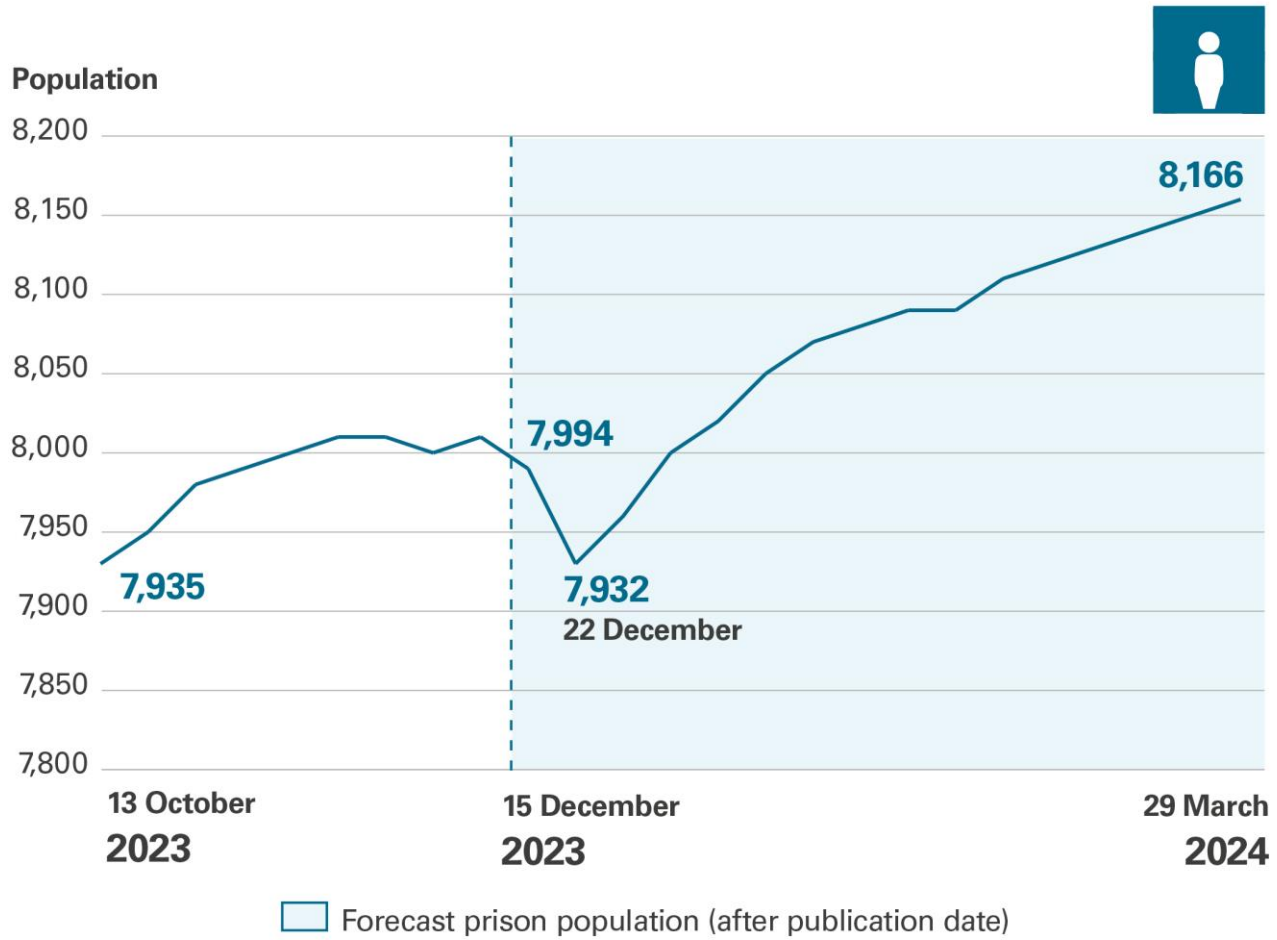
43. Of the total prison population, 73.4 per cent have been sentenced, with 23.4 per cent untried and 3.2 per cent convicted awaiting sentence. There are 165 individuals (2.1 per cent) aged 20 or under, and sentenced males (including male young offenders) account for 70.7 per cent of the population ([Exhibit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



Audit Scotland, 4th Floor, 102 West Port, Edinburgh EH3 9DN
Phone: 0131 625 1500 Email: info@audit-scotland.gov.uk
www.audit-scotland.gov.uk

6th March 2024

Dear Mr Leonard,

RE: The 2022/23 audit of the Scottish Prison Service

Thank you for your letter of 9 February 2024 regarding the health impact of the failures of the Scottish Courts Custody Prisoner Escorting Services (SCCPES) contract, delivered by Geo-Amey.

I'm aware of the long standing issues which GEOAmey are experiencing in meeting their contractual obligations and I'm assured that the Scottish Prison Service (SPS) are doing all they can to work with GEOAmey to improve their performance. In terms of healthcare appointments, there is currently a contractual Improvement Notice applied to GEOAmey requiring them to improve performance in relation to hospital appointments, this was initially implemented in December 2022.

That being said, the number of prisoners missing hospital appointments as a result of GEOAmey cancellations remains a cause for concern, which my officials have been monitoring for a number of months with the assistance of our partners in the National Prison Care Network (NPrCN) and the Scottish Healthcare in Custody (SHiC) Oversight Board. This has allowed data to be routinely gathered in relation to missed healthcare appointments, which is shared with the SPS and has helped in understanding and responding to contractual issues.

On 6 April 2023, Dr Craig Sayers, the Clinical Lead for the NPrCN wrote to all NHS Chief Executives and Medical Directors to request that patients were not removed or reprioritised on waiting lists as a result of patient transport cancellations. This request was reiterated to Boards again on 19 January 2024 in correspondence from Gary Jenkins, Chair of the SHiC Oversight Board, attached at Annex A. In his letter Mr Jenkins outlines examples of the types of appointments that have been missed, including an example of how this can impact health outcomes.

In this correspondence, Gary Jenkins informed NHS Boards of the current actions underway by GEOAmey and SPS to improve the performance around healthcare appointments. GEOAmey have recently intimated that they will be recruiting a new cohort of staff with further officer training courses throughout the first quarter of 2024. This should have a resultant improvement in escorting individuals attending hospital appointments. In the interim, SPS have agreed that when GEOAmey have failed to carry out an escort to a critical hospital appointment, SPS will hire a private ambulance should SPS transport be unavailable.

In September 2023, the NPrCN met with SPS regarding GEOAmeY escort cancellations. Following this meeting, Prison Healthcare Teams were requested to take the following action to mitigate the likelihood of appointments being cancelled:

- Try to avoid Mondays.
- Schedule appointments after 11 am.
- Provide GEOAmeY with as much notice as possible.
- Where possible, prioritise appointments and communicate this with SPS.
- Where appropriate, maximise the use of telephone appointments and Near Me.

You have asked if data is available on the impact of postponed and cancelled appointments on the health of prisoners. Although the costs of missed appointments are not recorded, the NPrCN have been requesting data on a quarterly basis from all prison establishments in Scotland. This data has included numbers and types of appointments patients have missed. A summary of the most recent data can be found at Annex B, which builds on the data outlined in Annex A. It is important to note that this is management data only, it has not been quality assured, and therefore does not provide a complete picture. It does however provide a useful indication of the scale of the issue and has been helpful in measuring and escalating the severity of the issue and in understanding how successful the steps taken to improve the performance have been. The NPrCN will continue to collect and report on this data.

I note the request that the NHS secondary care teams avoid the scheduling of hospital appointments prior to 9:30 am to avoid clashing with court appearances. To support the previous request made by the NPrCN to prison healthcare teams that appointments should be scheduled after 11am, I have, today, written to all NHS Board Chief Executives and Medical Directors requesting that people living in prison are not given appointments before 9:30. I have also re-iterated the request that suitability of secondary care consultations for a Near Me appointment are considered, and that any appointments which are missed as a result of transportation issues are not re-prioritised on waiting lists.

I hope that the measures outlined above provide you, and the members of the Public Audit Committee, with the reassurance that the Scottish Government and our partners are committed to mitigating the healthcare impacts of prisoner transport cancellations.

Yours sincerely,

Caroline Lamb
Chief Executive of NHS Scotland and Director General for Health & Social Care

LETTER FROM GARY JENKINS TO NHS BOARDS

JANUARY 2024

**CUSTODY HEALTHCARE: GEOAMEY CANCELLATIONS**

To: NHS Board Custody Healthcare Lead
NHS Board Medical Directors
NHS Chief Executive Officers

SITUATION:

The number of planned healthcare appointments for secondary care that prisoners are missing due to GEOAmeY escort cancellations has continued to increase. In April 2023, the Network Programme Team wrote to NHS Board Medical Directors to request that patients were not removed or reprioritised on waiting lists in these circumstances.

GEOAmeY is contracted to escort people from prison to healthcare appointments in the community. The contract is managed by the Scottish Prison Service on behalf of the Scottish Government.

BACKGROUND:

Cancellation rates have continued to increase, 13 out of 15 prisons provided data for cancelled and missed appointments between July-September 2023, the number of missed appointments was 826. This is a significant increase from April - June total of 209. (Appendix A)

A full range of appointments for tests and investigations have been missed. These include:

- Appointments that have required the patient to fast or take bowel prep the day before.
- Planned, day and plastic surgery appointments.
- MRI, CT, radiology, and x-rays investigations.
- Appointments across a range of specialists including physiotherapy, dental, orthopaedic, endoscopy, cardiology, ophthalmology, neurology, gastroenterology, pain clinic, burns unit, audiology, endocrine, dermatology, neuropsychology, musculoskeletal services and ear nose and throat assessment clinics.
- Screening, including AAA and breast.
- Antenatal.

Appointments identified as urgent also continued to be missed, especially if the patient required a transfer between NHS Boards, or if the appointment required three members of escorting staff. The cancellations are resulting in significant delays to treatment and often patients are missing appointments on multiple occasions.

Communications have been received recently where secondary care specialists have specifically stated that, as a direct consequence of multiple missed appointments, patients have come to harm, including an example of an individual with decreased limb function being noted post-orthopaedic surgical intervention.

ASSESSMENT:

The Scottish Prison Service have been working closely with GEOAmeY to resolve the current performance challenges and service delivery issues associated with the prisoner escort contract, including a focus on the impact on Justice partners and the NHS. There has been a revision and recalibration of the contract, which includes clear deliverables for GEOAmeY to meet certain staffing levels and performance targets over the coming months.

Specifically, there is currently a contractual Improvement Notice applied to GEOAmeY requiring them to improve performance in relation to hospital appointments. This was served initially in December 2022 and had an immediate impact with improved service provision. However, as the year went on, with increased staffing issues, they had to maintain and support other important delivery areas such as court operations and delivery. Staffing levels reduced to such an extent, that many contractual areas of service were impacted resulting in SPS and Police Scotland directly carrying out many contractual matters such as hospital detains and ViPER (ID parades), as well as supporting court business.

Subsequently, the Scottish Government have agreed an uplift in the contract funding envelope to support increased and improved levels of staff pay.

Staffing levels have increased by around 40 officers in the last 3 months with another 20 currently in officer training, operationally deployable during January 2024. GEOAmeY have further intimated that they will be recruiting up to 80 new staff during January 2024, with further officer training courses throughout the first quarter of 2024. This should have a resultant improvement in escorting individuals attending hospital appointments. This will continue to be monitored through the Scottish Healthcare in Custody Oversight Board at its quarterly meetings.

In the interim, SPS have agreed that when GEOAmeY have failed to carry out an escort to a hospital appointment, but the requirement to attend a hospital appointment is critical, if the individual is unable to be transported in a SPS vehicle, SPS hire a private ambulance to safely transport the individual to hospital.

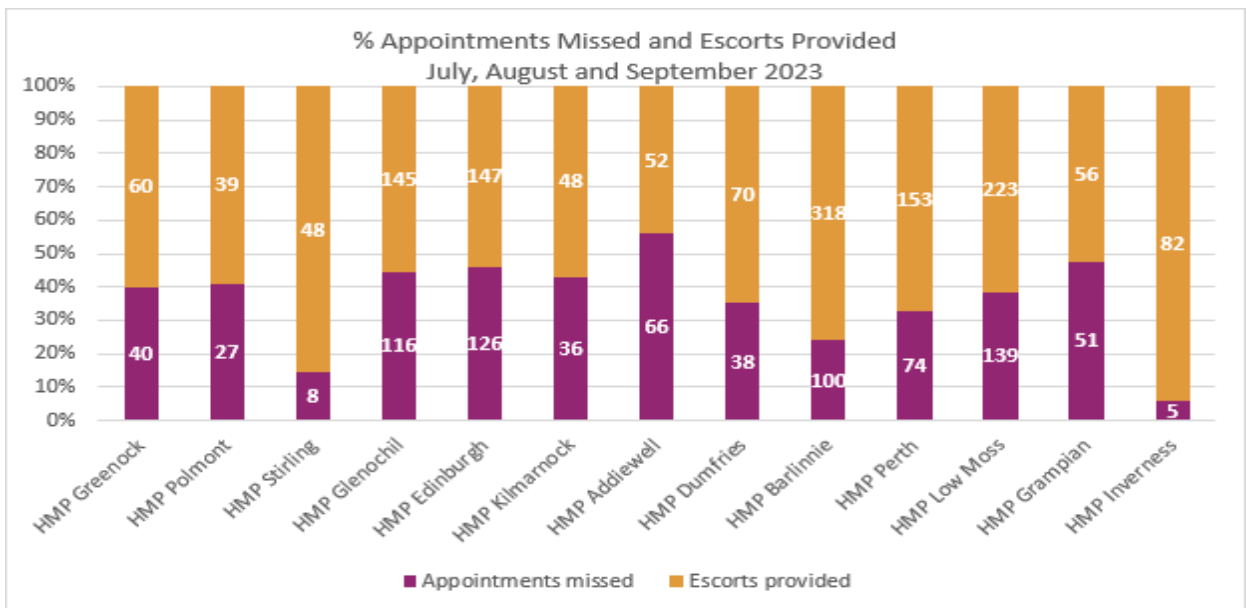
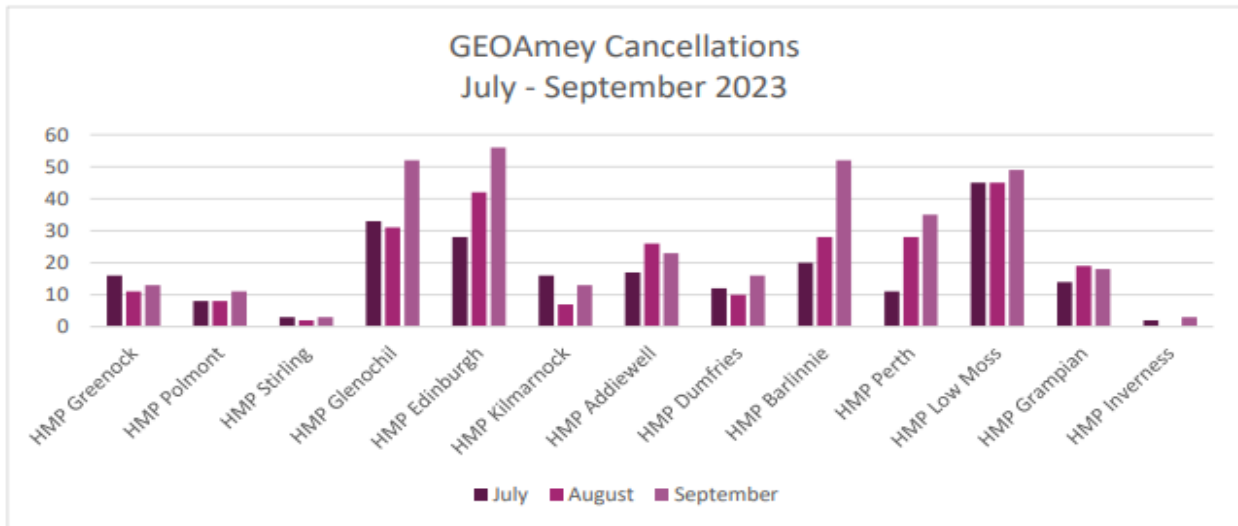
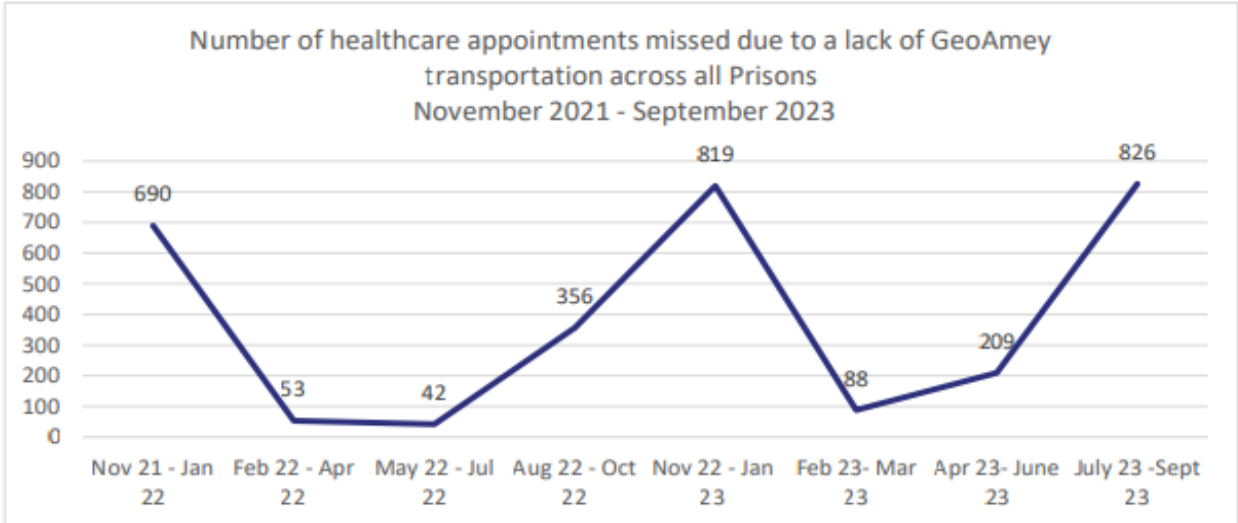
RECOMMENDATION:

Notwithstanding the planned improvement approach noted above, I should like to reiterate the request that individuals from custody settings are not removed or reprioritised on waiting lists as a result of the aforementioned circumstances.



**Scottish Healthcare in Custody Oversight Board
Chief Executive: The State Hospitals Board for Scotland
January 2024**

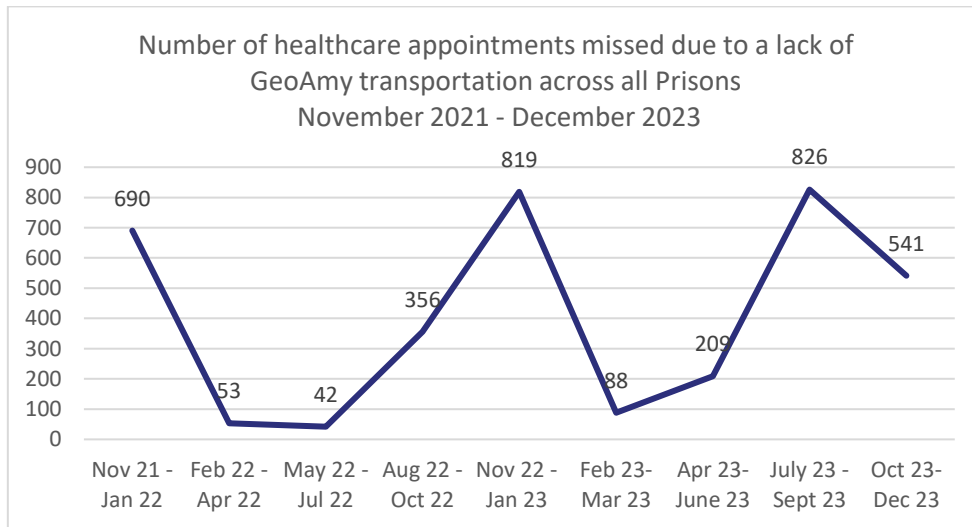
Appendix A: GEOAmeY Cancellations: Volume and Location



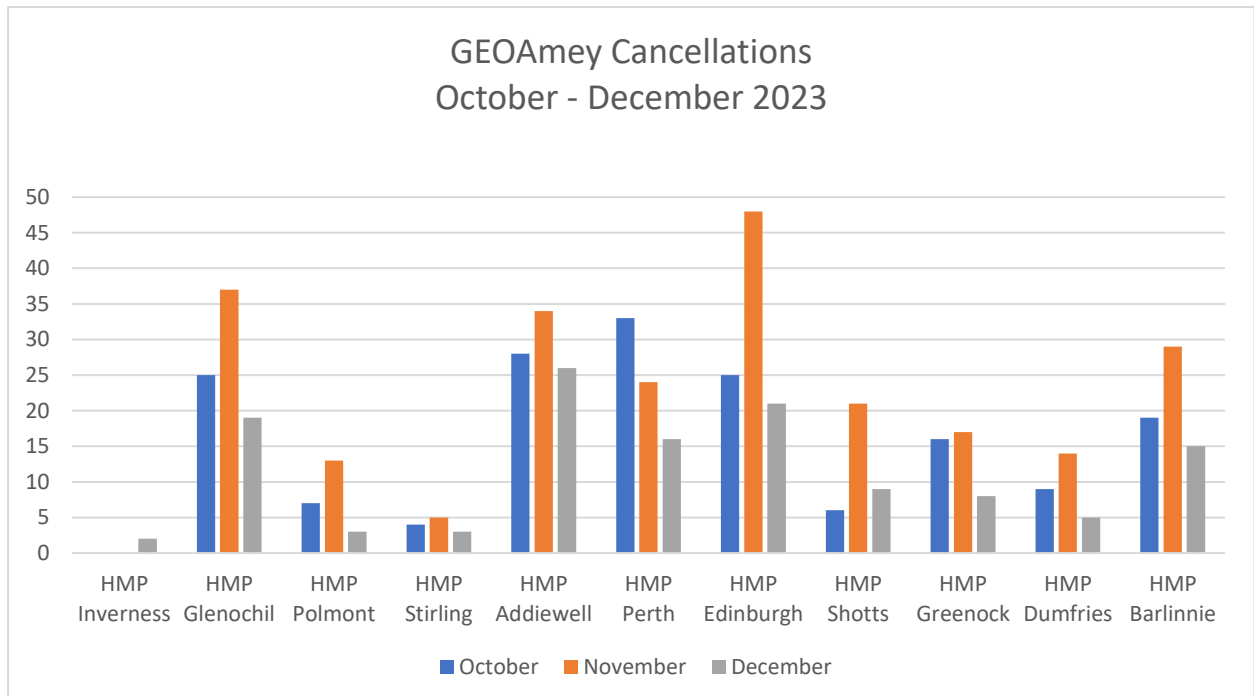
GEOAmeY hospital cancellation data to December 2023

Assessment

Data collected shows that cancellation rates have decreased, however, 11/15 prisons provided data in Q3, compared to 13/15 in Q2. The number of missed appointments for the 11/15 prisons who provided data between October - December 2023 was 541 which is a decrease from July - September total of 826, as shown below:



A summary of missed appointments between October-December for each prison that provided data is shown below:



The number of appointments missed compared to the number of appointments that escorts were provided for is displayed below. Overall, approximately **29%** were missed.

Appointments Missed and Escorts Provided October - December 2023



Scottish Courts and Tribunals Service



Richard Leonard MSP
Convener Public Audit Committee

By email
publicaudit.committee@parliament.scot

1 March 2024

Chief Executive's Office
Parliament House
Parliament Square
Edinburgh
EH1 1RQ

DX 549306
LP1 Edinburgh 10

Dear Mr Leonard

The 2022-23 audit of the Scottish Prison Service

Thank you for your letter of 9 February seeking clarification on issues raised during the meeting on 1 February when the Public Audit Committee took evidence from the Auditor General for Scotland and more widely in the section 22 report.

I have provided a response to the questions asked below.

Q1: The Committee understands that the SCCPES contract is managed by the Scottish Prison Service (SPS) on behalf of the MALG. The Committee is keen to understand—

- The level of input the SCTS had to the terms of the SCCPES contract prior to it being awarded to GEOAmeY by Scottish Ministers in March 2018.

The SCTS provided operational input to the service requirement specification prior to the issuing of the tender documents. The SCTS was represented on the procurement evaluation panel in relation to service requirements, not the financial elements which were commercially sensitive. The approval of the SCTS Executive Team was sought prior to contract award to ensure service requirement specification was met.

- The extent to which any concerns the SCTS may have about the contract are addressed at quarterly MALG meetings, and whether meeting quarterly is sufficient.

Where individual courts experience performance issues, service review forms are submitted to SPS following the established contractual complaints handling process. This enables the identification of developing trends and escalation of issues to the MALG.

Issues concerning poor service performance have been addressed at the quarterly MALG meetings. This, in part, led to SPS and GEOAmeY implementing a Contract Improvement Plan (CIP), which included temporary reduced Key Performance Indicators relating to court service performance.

Additional monthly meetings were instigated to review progress against the Contract Improvement Plan. Relationships with partners are effective and issues requiring escalation to SPS as contract managers are dealt with quickly at the time.

- The role the SCTS will have in the retendering process for the contract, which is expected to begin in 2024.

SCTS will be involved in agreeing the specification of requirements and to be on the tender evaluation panel in relation to contract service requirements, not the financial elements which are commercially sensitive. .

Q2: One of the key messages in the section 22 report is that—

“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 Committee wishes to understand the extent to which the SCTS is impacted by the poor performance of the contract. In particular, we would welcome specific examples of the impact on the SCTS, including the associated costs to your organisation.

The Committee also asks if data is available on the number and types of court case that have been impacted by failures in the SCCPES contract, including those where proceedings have been delayed or charges have been dropped as a result of contract failures.

The SCTS continues to face significant impact upon trial and custody courts throughout Scotland due to the ongoing poor performance of the contractor. In particular, late arrival of custodies to court buildings, delays to bringing custodies from cell areas to court rooms and similar delays in bringing accused from prisons to court hearings. All have a direct impact on the efficient running of the courts, leading to delays, cancellation of hearings and late sitting courts. In addition to the significant impact on court business, the SCTS remains equally concerned about the wellbeing of all staff working in courts, the judiciary and court users such as victims and their supporters, witnesses and their supporters, legal professionals and the accused.

As a result Sheriffs Principal introduced Court User Guidance setting time limits on custody courts and removing the requirement of in-person attendance at procedural hearings for those held on remand or serving custodial sentences, enabling GEOAmeY resources to be deployed in other areas. These measures are unprecedented and remain as temporary short term solutions to the ongoing challenges faced by the courts. It is important to note that the agreement to consider reducing to one dock escort (as referenced in the audit report) is for single accused cases only, subject to the relevant risk assessment having been carried out by GEOAmeY, and remains a judicial decision on case by case basis.

The contract is ‘self-reporting’ which requires GEOAmeY to report performance issues to SPS as contract managers. The SCTS collects manual information from the aforementioned service review forms and from court staff in relation to performance of the prisoner escort services, delays, court sitting times and failed docks. From that information we have recorded the following:

There were 573 service review forms submitted by local courts between 1 July 2023 and 17 January 2024.

Custody courts continue to report significant disruption to court time, albeit there have been improvements in recent months. During the period of 1 October 2023 until 31 December 2023 additional time delay period in in processing cases was:

- Sheriff Courts 381 hours
- High Court 49 hours

Loss of trial court days from 1 October 2023 until 31 December 2023 was:

- High Court jury trials 12 days
- Sheriff Court jury trials 14.5 days
- Sheriff Court summary trials 12 days

From 1 July 2023 until 1 January 2024, 30 hearings were postponed due to issues with accused attending court from custody:

- 2 High Court jury trials
- 5 Sheriff Court jury trials
- 16 Sheriff Court summary trials
- 1 JP Court summary trial
- 6 Sheriff court – other

From 1 July 2023 until 1 January 2024, 4 hearings were cancelled as the accused could not be brought from the Police Custody Unit and the accused appeared on the next lawful day:

- 1 petition warrant
- 3 summary new cases

There may be other cases that have been postponed, cancelled or resulted in a loss of court time that have not been reported by local courts.

The SCTS does not hold data on cases deserted as a result of contractual failures. The desertion of a case, and any reasons for this, would be a matter for the Crown Office and Procurator Fiscal Service (COPFS).

Estimated costs associated with these failures;

- Sheriff Court Jury Trial – £ 1,740.63 per day
- Sheriff Court Summary Trial – £1,548 per day
- High Court Trial – £2,871.54 per day

Q3: The section 22 report concludes that—

“It will be important for SPS and their partners, Scottish Courts and Tribunals Service (SCTS), Crown Office and Procurator Fiscal Service (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”.

The Committee is interested to hear your views on the steps you consider will be required to take this joint working forward.

The SCTS remains committed to working with partners and robustly scrutinising GEOAmeY’s ability to meet and sustain the performance measures set in the Contract Improvement Plan. GEOAmeY staffing levels have increased during January 2024 and it is important that this trend continues in the coming months.

Through the Criminal Justice Board work is already underway to assess the future model for prisoner escort services, reflecting the introduction of fully virtual custody courts and prison to court video links for all procedural hearings where is accused is not pleading guilty. Defining this model will inform the potential tendering of future services.

If you require any further information please let me know.

Yours sincerely

Eric McQueen
Chief Executive

Angela Constance MSP
Cabinet Secretary for Justice and Home Affairs
St Andrew's House
Edinburgh
EH1 3DG

14th December 2023

Dear Cabinet Secretary

Impact of failed GEOAmey contract in the Scottish Justice Sector

I refer to our meeting on 16th November where I set out for you the recurring problems and the incredibly troubling associated spiralling costs on the failed GEOAmey contract. In discussions with PCS reps, we have decided that we must write to you formally and as a matter of urgency regarding our grave concerns about the problems at GeoAmey. Despite meeting last month, we have received no constructive feedback.

Audit Scotland Report

We have now had a chance to look at this report which confirms our worst fears of seeing tens of millions of pounds wasted on this failing public sector contract. The money being thrown at this contract by employers in the justice sector is quite frankly obscene with no alternatives in place but to continue on this path until the contract expires.

Lack of custody staff in courts

Everyday there are ongoing issues about the lack of custody staff in courts and in some cases, there have been no custody staff in courts. Consequently, staff are fearful for their own safety but also the safety of the wider public and other court users. We are also aware that because of ongoing resource issues within Police Scotland that they have scaled back their presence which also leaves courts vulnerable and exposed. We want to make sure that you are fully aware of the huge risk this poses and the potentially dire consequences of such short staffing.

Impact on courts

We are aware of significant delays every day in the courts. Below is a very brief overview of some of the problems:

- vans redirected at the last minute whilst transporting accused resulting in cases calling late or other courts having to set up VC links
- Contractual numbers of GeoAmey officers being in the courts are not being assigned

- Lack of communication/accurate communication. If custody hasn't arrived in the building it is very difficult to find out where they are and an ETA
- With only 1 officer assigned to the custody courts this means waiting times are a lot longer – officer taking one person to court, taking them back, transferring the custody to their cell, preparing the next custody from their cell and bringing them through.
- Given the current shortage of GEO Amey staff it is not always possible to arrange a “split court” on days other than Mondays when there is a large volume of custodies to be dealt with. SCTS managers are having to offer suggestions and solutions to GEO Amey on to how they manage courts and their business.
- GEO Amey will unilaterally put courts down when they do not have enough staff to cover them. This is usually done without consultation and this has an impact on SCTS staff as they now have to rearrange court business to suit the situation at short notice.
- There is also a spread of places from which custodies can arrive. This is especially true in relation to extraditions where persons detained on extradition warrants can come from all over Scotland. If there is a lack of transportation to deliver these people, then there will be delays in appearing in court or courts having to sit late.
- There have been delays in Jury Trials caused by waiting for prisoners to be brought to court with the result that jurors are inconvenienced by having to wait all day. On other occasions jury trials have been delayed by a day as accused persons have not been brought from custody causing further inconvenience to jurors and expense to the Courts.
- Accused persons in Jury trials are also meant to be accompanied by two GEO Amey officers but, as I understand it, this seldom happens creating a substantial risk to the safety of jurors.

Logistics Problems

There seems to be no contingency plan when a van is not available, with the accused person left behind at a prison or police station and in some cases have had to endure an extra night in custody. Lack of resources means that custodies are not arriving in courts until the late afternoon. There is also the question of “special uplift” custodies which are dealt separately from other custodies and require more resources, for example those on suicide watch require to be monitored by 3 officers constantly.

On social media, the Scottish Bar Association has made very clear the impact of these logistical problems with no apparent end in sight.

Use of Virtual Courts as a solution?

The use of video links in First Diet Courts has been increasing but there is the knock-on effect of this causing more work for court staff in that bookings, setting up the links and co-ordinating with the prison these all have to be managed. Video links are also impractical where accused require an interpreter.

At present video links can only operate from prison or certain larger police stations. There seems to be no scope for video links from smaller police stations.

Wellbeing of staff

Staff are having to work exceptionally long hours and we are concerned that some may be contravening the working time regulations.

Part of the problem is that much of this overtime is unplanned and reactive based on GEOAmey staffing, i.e. this contract is not only costing millions in public money directly, but indirectly is damaging the wellbeing of staff and costing more in terms of staff wellbeing and overtime.

Many court staff do not live locally, and late finishes mean that they are returning home extremely late in the evening. If they rely on public transport, there is the risk that they might not get home at all depending on when their last bus or train.

The Audit Scotland report confirms the reality of the situation which is we are now in the outrageous position of a failing private sector company running the Scottish justice system.

It would therefore be helpful if you could help us understand how you intend to deal with this issue going forward.

Yours sincerely

Cat Boyd
PCS National Officer or Scotland