Friday, 29 September 2023

(10.00 am)

LADY SMITH: Good morning and welcome to the last day of this week's hearings of evidence in Phase 8 of our case study hearings.

I understand we have a witness ready. Sue Brookes, is that right, Mr Peoples?

MR PEOPLES: Yes, good morning, my Lady. The next witness is Sue Brookes.

LADY SMITH: Thank you.

Sue Brookes (sworn)

LADY SMITH: The first question is, how would you like me to address you, Ms Brookes or Sue?

A. Sue is fine.

LADY SMITH: Thank you for that, Sue.

Thank you for coming this morning to help us with evidence about your roles in the Scottish Prison Services and thank you for your statement, which of course we have. You probably have your own copy of it, there is a red folder with your copy in it and we may put some of it up on screen, we may put some other documents up, we may not.

Let me know if you have any questions or if you need a break at any time. I do break in any event normally at about 11.30 am, so you will get a breather then, but

any other time, there is no problem. Any questions, no problem.

If you are ready I'll hand over to Mr Peoples and he'll take it from there. Is that all right?

Mr Peoples.

Questions from Mr Peoples

MR PEOPLES: Good morning, are you happy that I call you Sue for today?

A. Yes, of course.

Q. Can we start by looking at the statement that you have provided to the Inquiry. For the record I'll just give the reference number, it is WIT-1-000001327. You don't need to be too concerned about that, but it's just that's our way of identifying it.

Could I ask you just initially to turn to the final page of your statement, on page 33, I think it is. Can you confirm that you have signed the statement and you signed it on 21 September 2023?

A. Yes, that's correct, yeah.

Q. Can I ask you to confirm that you have no objection to your witness statement being published as part of the evidence to the Inquiry and that you believe the facts stated in your statement are true?

A. I have no objection, no. I do believe it's true, yes.

Q. As her Ladyship has said, there are various copies of

your statement. You can see it on the screen if you wish. If you have your own copy by all means use it. If you want to use the Inquiry copy that's been provided, it's in the red folder. I propose today to largely use your statement as the basis of asking you about some matters that you have told us about.

Can I perhaps also say at the beginning that I think we'll see as we go along that at various times, largely in response probably to matters that were raised with you by the Inquiry, you have expressed certain views, either about the current situation or the past or indeed the future. Can I just say this: insofar as you are expressing views, if they are your personal views rather than perhaps those of the organisation you work for, then by all means just make that clear. If they also represent an official view of the organisation, Scottish Prison Service, then it would be helpful if you could indicate that in the course of your evidence today.

A. Yes, of course.

Q. If I can begin by looking at the section headed "Professional background", just to get some idea of your background.

I think you tell us in paragraph 2 that you initially studied law at Oxford University; is that correct?

A. Yes, that is right.
Q. After qualification you moved to Scotland, where you completed a Masters degree in Criminology at Edinburgh University, is that --
A. Yes, I did.
Q. You then joined the Scottish Prison Service, but at the same time you were also studying for an MBA with the Open University?
A. Yes, that's right.
Q. What course were you involved in, did it have any relevance to the matters we're dealing with today or offending or youth offending?
A. It was a Masters in business administration, so it was general management practice, I suppose, so yeah, relevant to my role, but not -- I wouldn't have thought -- specifically to this.
Q. You have had a long-standing interest in, can I put it, people who offend? If I put it in the broadest sense.
A. Yes, and the reasons why they do that and obviously how we can try and stop that happening.
Q. You tell us in paragraph 3 that you joined the Scottish Prison Service in July 1987. It may not in fact have been called the Scottish Prison Service then. I think it was 1993, but we'll refer to it as that, but I think it maybe had a different title when you first started.

A. No, I think it was the Scottish Prison Service, 1987.
Q. Okay, we can check.
A. I can't honestly remember. It has certainly always been separate -- from the time I've been -- from England and Wales. It is a distinct service in its own right.
Q. I think your first position was as an assistant governor, which you tell us is the first non-uniform grade. I think perhaps we might think initially a governor is someone that governs a whole institution, but is that a grade, governor grade, and there are various levels within that grade?
A. Yes. So over the years the terminology has changed, because the way prison management is structured has changed. But in those days the first grade that didn't wear a uniform was called the assistant governor and there would have been three, possibly even four, bands of people, including the deputy governor and then governor of an establishment.

Nowadays the posts are described differently, but they're similar roles in many respects.
Q. You tell us in your long career with the service you have worked at times in prisons, a number of prisons across Scotland, with all types of offender and over the years you have also had posts within the headquarters involving policy and strategy matters as well?

A. Yes, that's right. I've been in headquarters two or three occasions dealing with different aspects of policy, but I've worked in lots of prisons as well.
Q. Is that, just broadly speaking, a sort of progression that people do have within the service, that there's a movement about both prisons and from time to time movement from prison to headquarters?
A. Yes. So people would generally start in prisons and get the kind of basis of their career there. But from time to time, at different levels of the organisation, you might -- as I said I've been into headquarters I think three occasions, at different levels in my career, in different job roles. I've also been in the Inspectorate. That is quite commonplace for people, operational staff, to move and out in the Inspectorate. Some work in our Prison Service College as well. I've had the opportunity to go out on secondment too, so sometimes people go into Government for periods and then come back, so that they get a more rounded experience.
Q. You tell us that when you say "the Inspectorate" you mean His Majesty's Inspectorate of Prisons for Scotland?
A. That's correct.
Q. We can call it the Inspectorate, we will know what you mean when you mention it for today's purposes. Just for the record we better be clear, there are a number of

inspectorates I think ...

LADY SMITH: We have been talking about several inspectorates over the last week.

MR PEOPLES: Just on that, while you have mentioned it, you say there has been a degree of movement between the service and the Inspectorate over the years.

I don't know if you can help us, would there have been a number of chief inspectors of prisons since 1980, I think it was, or thereabouts, that that particular appointment first I think saw the light of day. Are chief inspectors in your experience drawn from the Prison Service or are they drawn from other walks of life?

A. Well, there is obviously an issue about making sure that the Prisons Inspectorate is independent, so it's not appropriate really, in my view, for someone from Scottish Prison Service then to be the Chief Inspector of Prisons.

But they are drawn from different walks of life.

I mean one was previously the Moderator of the Church of Scotland.

One was involved at a very high level in the police.

The current Chief Inspector of Prisons worked in the private sector in prisons, so has an operational background from a kind of prisons perspective but not

directly working for SPS.

It's helpful, I think, if people have an understanding of operational delivery, usually somewhere in the justice sector I suppose would be my view, but it's not essential.

LADY SMITH: I think you have mentioned the Moderator of the Church of Scotland, although that might seem an odd one. As I recall it, that was Andrew McLellan.

A. Yes.

LADY SMITH: As every Moderator does, he made his special interest during his period as Moderator, prisons in Scotland and I think he set out on a mission to visit every prison in Scotland and if he didn't actually achieve it got not far off that. Am I remembering rightly?

A. He certainly had a very, from what I remember, he was Chief Inspector when I was in Cornton Vale and he was always very interested and very knowledgeable when he visited Cornton Vale and very compassionate, I suppose you would expect that coming from his background, but, yeah, he had obviously taken the time to make sure he was properly informed, would be my impression.

LADY SMITH: Yes.

MR PEOPLES: I think a name that certainly springs to mind was Clive Fairweather, I think he had a background in

the Forces, is that correct.

A. I think so, yes.

Q. And David Strang was a Chief Constable before he became a Chief Inspector of Prisons, so that gives an idea that they're drawn from different walks of life?

A. Yes.

Q. Just on that, as well, if I could just follow it up, there is a Deputy Chief Inspector role, is that correct? Or there was?

A. Yes, there is.

Q. At least historically, I don't know what the position is today, but historically, would I be right in thinking that most often the Deputy Chief Inspector was drawn from the service?

A. Certainly there were individuals in the past who were drawn from Scottish Prison Service. That is not the current position. I think the background of the current individual is from Scottish Government. I was in the Inspectorate for a period, I think I say in my statement, having looked at inspection practice in Education Scotland, where they inspect our schools.

So, yeah, there are different models of inspection, including in England and Wales, as I think --

Q. We'll maybe come to that in a little bit. There has been a change perhaps, at least in terms of the current

Deputy, but do you know if there was any rationale for perhaps choosing someone that didn't have a service background for that particular role?

A. Yeah. I think there was a desire to increase the degree of independent scrutiny on the service, is my reflection on that.

Q. If I could go back to your statement, page 1, paragraph 4. I think you tell us that your first posting was to the Special Unit within HMP Barlinnie, between 1994 and 1995. It was a fairly short-lived period and I think you tell us that you were there when it was closed?

A. Yes. That was my first posting as a Governor in Charge. I was obviously working in other prisons before that, but, yes, I did close the Barlinnie special unit, yes.

Q. You were in charge of that unit before?

A. I was in charge of it and there was a review, which we called the small units review, which kind of assessed and evaluated the performance of the Barlinnie Special Unit and then led to the creation of what was called the National Induction Centre and also other unit facilities, including one in Peterhead at the time.

Q. Was it judged a success or not, the special unit?

A. I wasn't obviously there at the beginning, when the kind of initial concept took place. I was very clear when

I arrived there that it was not performing as it should. One of the difficulties in small unit facilities is if you have a very small number of people and very small number of staff there for long periods of time, and when I was there I think there were about ten individuals who were all very long-term individuals and all had been there for a long period of time, you do run the risk both of the staff being conditioned and also that some of the original concept and direction of what should be taking place in the unit being eroded. In my view that had happened and it wasn't a particularly healthy environment, either for those people that we were caring for or for the staff group.

The small units review was very evidence based, which I think was very helpful, so very much informed by the kind of current research, international research as well as national, and we moved to a position which was much more proactive, so that rather than waiting until people really got into difficulty and became seriously violent and challenging in prison, we moved to a position where we opened the National Induction Centre, which was about making sure that when people arrived in custody serving very long sentences that they would have intensive support at that stage to build positive relationships with staff, so that they wouldn't

then get into difficulty later in their sentence.

Although I don't say it in my statement, I went from closing the Barlinnie Special Unit to opening the National Induction Centre.

Q. That was my next question. When did the National Induction Centre open, roughly?

A. It would have been roughly 1996, I think.

Q. Where was this centre based?

A. That was based in HMP Shotts.

Q. Shotts.

Was that an induction centre for a particular class of offender or gender?

A. From memory, I think it was ten years and over, so anybody who came into prison serving -- what was essentially a very long sentence.

We did lots of really innovative things there in terms of how we interacted. For example, we employed a social worker who worked both in the establishment but also had a brief to work with the family in the community, because as people come into prison serving very long sentences there is a grief reaction, there is a bereavement because they're losing their freedom, they're losing their family. There are a whole series of different issues to work through.

Q. Would the centre ever have had to accommodate young

people under 18, at that time?

A. No, not in my time, no.

Q. If we go back again to your statement, I think you say your first posting as a governor in charge of a whole establishment was at HMP Cornton Vale between 2002 and 2006. Is that right?

A. Yes, that's correct.

Q. I think you tell us a bit about Cornton Vale and your time, and we'll come to that. Then you tell us I think that your promotion to I-band, which is a senior governor role, was to HMP Edinburgh in the first instance. In 2012 you moved to HMP & YOI Polmont. That is a bit of a mouthful, I will just call it Polmont if I may from now on and Cornton Vale I will just call Cornton Vale, if I may. You moved there in 2012?

A. I did.

Q. For how long were you there?

A. Oh --

Q. If you go to the next paragraph, maybe it will help you.

A. I remained there until 2017. It was about five years I was there.

Q. Just to set the scene, Cornton Vale was a women's prison --

A. Yes, it was.

Q. -- in the period you were there? And has recently

closed?

A. Yes, it closed because we opened HM Prison & YOI Stirling.

Q. I will just call that Stirling if I may.

A. Yes.

Q. Cornton Vale was operational until very recently then, until this year is it?

A. Yes, until very recently. We opened Stirling in June.

Q. Of this year?

A. Yes.

Q. As far as Polmont was concerned, when you moved there, it was a young offenders institution by type?

A. Yes, it was, yes.

Q. That would, as we have heard, and you can perhaps confirm, was for young persons between the ages of 16 and 21?

A. Yes, it is. Although in the prison rules there is an opportunity to keep them there up until their 23rd birthday, and I think I explain in my statement that we tried to do more of that.

Q. I'll come to that. In broad terms, if the court was sentencing a person to a young offenders they would be between the ages of 16 and 21?

A. Yes, that is correct.

Q. Therefore, as we now know of course, it was

accommodating what would be regarded for this Inquiry's purposes, and perhaps internationally, as children?

A. Yes, yes, certainly 16 and 17-year-olds and we also at that time -- I mean the situation has changed since then, but from time to time we would also receive 15-year-olds into custody.

Q. In what circumstances would you have received a 15-year-old?

A. I can't remember the exact details, but there was a provision which allowed Scottish Ministers, in exceptional circumstances, to admit children aged 15 to Polmont.

Q. Were these unruly certificate processes or is that something different?

A. Yes, I think that would have been, yeah. But we did resist that, insofar as we could.

Q. But there were occasions --

A. There were occasions, yes.

Q. -- when Polmont would house 15-year-olds alongside --

A. For short periods of time, yes.

Q. -- older persons.

When you went to Polmont, was it only for young men?

A. Yes. When I went there initially it was for young men and I think we had about 600 or 700 of them at that time, but the numbers of young men were dropping and the

decision was taken, I think at that time -- so women offenders came to Polmont twice in my time there.

Initially I think it was because there was refurbishment work --

Q. Elsewhere.

A. -- being undertaken in Cornton Vale, so some of the women came across on a temporary basis and then returned to Cornton Vale.

Then later the decision was taken that they would come more permanently, so they returned to the establishment. Both those moves took place in my time there.

Q. The latter move of a more permanent decision to have effectively a mixed institution, was that towards the end of your period as governor or in the middle or at the beginning?

A. Probably more in the middle, I would say. I had a reasonable period of time in adjusting the establishment around their needs before I left.

Q. Then if we go to page 2, paragraph 5, just to continue your journey with the service. You say that following your period as governor at Polmont you did a period of secondment for around two years with Education Scotland?

A. Yes, I did.

Q. Was that to help the service or to help Education

Scotland?

A. I think it was partly to help me in terms of my personal development, and then subsequently the service and that's been very helpful in my current role. But, yes, certainly we spent a lot of time when I was in Polmont developing what we talked about as a learning environment and we were engaged with Education Scotland at that time and we produced a lot of evidence and research about the needs of the young men, and subsequently the young women, and that was very helpful in looking at the reasons why they came into custody, and particularly highlighted the fact that exclusion from school is a major indicator for young people then ending up in contact with the justice system and then subsequently with us.

I went to Education Scotland really to help them think about their policy development in terms of the adverse circumstances that young people suffer, and also really just to communicate to headteachers across Scotland the experience that we had in Polmont and what it was like to work with youngsters with difficulties.

Q. I suppose if that was a familiar journey, truancy, skipping school, then into the justice system and various settings, not necessarily prison settings, then they could end up in a young offenders institution like

Polmont. Are you suggesting that there had to be a level of understanding within the mainstream education system of what perhaps were the underlying reasons why that journey was made?

A. Yes, I think they found it helpful. Certainly the headteachers that I spoke to on numerous occasions found it very helpful to understand the background of the youngsters who come into us and also the techniques that we were using. I hope that that's helped them to develop the education sector differently.

Q. Did you get any sense whether before you did this there was that understanding present? Was it variable, mixed or non-existent?

A. I suppose I would say it depends which part of the education sector you were in. If you are working with kids from very affluent backgrounds then probably not. I think those headteachers who were already working with children who were from very disadvantaged areas probably had a greater degree of knowledge.

Q. Following your secondment with Education Scotland, I think you tell us in paragraph 5, page 2, that you were part of the Independent Care Review, which produced The Promise report in 2020, is that correct?

A. Yes, I was. It was a life-changing experience, I think.

Q. Why do you describe it like that?

A. Because I think it was organised very differently, so the young people who were care experienced were absolutely integrated into the whole process. They led the process. Each of the workstreams was co-chaired, so I co-chaired with a young man who had -- he was a professional in his own right, but was also care experienced and I just learnt an enormous amount about the service, about the kind of experiences that people had, about myself.

It's been just a pleasure to watch the young people who were involved in that go on to really influence practice in a number of sectors.

Q. You mention workstreams and this co-chairing approach. You tell us in your statement that you co-chaired the workstream on workforce. What exactly were you therefore dealing with in terms of that workstream?

A. So we were looking at really I suppose what kind of training, skills and development those people who were looking after care-experienced young people would need. It was a very diverse group, so there were people there from all sorts of disciplines.

We considered the workforce not just in terms of professional people like social workers, but essentially anybody who would have the care of a care-experienced youngster, including -- obviously sometimes care

experience is being brought up by your granny or having a foster parent, all the way up to potentially being in a children's facility or a secure unit. So very varying types of care experience.

Q. Was it like a working group that you were part of?

A. Yes, it was.

Q. It was quite a diverse group?

A. Yes.

Q. Can you just tell us how that group operated and a little bit about its general composition?

A. Yes. We met at intervals. Each of the workstream groups, not just my own, was always divided half and half into professional people and people with care experience, although obviously, as I said, there's overlap between those issues.

It was led very much by evidence, so the kind of research evidence, but also user voice, so there was a very extensive process of engaging with young people and stakeholders and families to make sure that we obtained the best possible information about what would work best for the future.

Q. Following your involvement with the Independent Care Review, you say you did spend a period of six months -- this is on page 2 of your statement -- with the Prison Inspectorate, HMIPS. You tell us that you spent time

comparing the practices between Education Scotland's inspection of schools and their inspection of prisons.

Are you able to help us with what your main conclusions were from that exercise and comparison?

A. Oh --

Q. In broad terms.

A. In broad terms.

Yes, Education Scotland were very good and allowed me to go out to some of their school inspections and also community education inspections to observe their practice, which was really interesting.

Then Wendy Sinclair-Gieben commissioned me to do a report basically and do this comparison about inspection practice of prisons and inspection practice of schools and what I had learnt as a result of that.

I think one of the most important things is that when I was in Education Scotland they had developed a set of quality indicators which were called 'How good is our school?' Those quality indicators really get more into the issue not just about what kind of service are you providing, but how do people who are on the receiving end of that actually feel about it, what is their experience of that like.

The school system has a very embedded practice of self-evaluation, which is based around the same

indicators that they're then inspected against.

The Prisons Inspectorate has a series of rights-based standards, but I suppose the best example I could give you is that if you are looking, for example at our complaints system, the Inspectorate standards would tend to drive you towards a situation which looks at, is there a complaints system in place? Is the paperwork available? How many opportunities to complain are there? It's much more task-based.

Whereas the quality indicators approach would be much more about asking the young people: how did you feel about how your complaint was managed? Did you feel it was okay to ask? Did you feel you got the right kind of feedback? As well as also checking that the basics were in place.

Later in my statement I talk about the quality indicators that we introduced in Polmont in my time there and the self-evaluation that has begun, so that's part of a developing practice. We have also now started to use them just very recently in Shotts, looking at the experience of young people transitioning from the young people's estate into the adult estate, because some if they are serving long sentences obviously move at some point. We are also developing quality indicators to sit under the women's strategy.

Q. I will come back to that, so don't think I've left the subject.

That was part of your education process, but also you learned how things were done in a different sector and a different inspection regime?

A. Yes. We have then tried to take that learning and apply it in prisons.

Q. I suppose I could ask the question then: therefore that period, did that mean that the service took more from it, from the Education Scotland system or vice versa or did you each benefit? For example, did Education Scotland learn something from the comparison, maybe something to improve their systems and approaches?

A. I think it was a two-way process, without a doubt. I suspect that the people at the operational level probably got more out of it than the policy level in Education Scotland. But you would need to ask them what their experience was.

Q. You say that during the time you were with the Inspectorate they were commissioning what you refer to as the expert review on mental health. Just can you tell us briefly what the background to that review was?

A. Yes. The expert review on mental health was commissioned by Government following a number of deaths that had taken place in Polmont. Actually part of my

current role in managing the young people's strategy has been about implementing the recommendations of the expert review.

Q. The deaths you have in mind, did they include the death of Katie Allan at Polmont in 2018?

A. My understanding is that that was the case.

Q. And William Lindsay?

A. I think so, yes.

Q. I think that was around the same time?

A. Yes, probably.

Q. The review postdated these deaths and perhaps other deaths that may have --

A. I can't remember precisely which, but certainly there was -- yes, there was a drive to improve practice and that led to commissioning of the report.

Q. The fact that a review was commissioned, was that in any way an acceptance that the current system needed review and needed to be changed, or is it simply a fact-finding mission to see if all was well or that change was needed?

A. I suppose there was certainly a drive to make sure that the situation was properly evaluated. It was a very comprehensive review that was undertaken and it led to a series of recommendations for improvements, so that's factually the case, so I guess --

Q. The review body at least in making a number of recommendations must itself have concluded that some significant changes should be undertaken?
A. Listen, there's always room for improvement, always.
Q. Yes, but sometimes perhaps someone has a review and says, "Actually most of it was working well but there are one or two things we might want to change", but it sounds as if it was a bit more than that?
A. It was a comprehensive review. There were a number of recommendations, both for Government and the NHS and also for ourselves.
Q. You say that following your time with the Inspectorate you engaged in some research work until the pandemic and then you were asked to take up the post of interim Director of Strategy and Stakeholder Engagement for the Scottish Prison Service.

Do we take it from what you say there that that would have been around early 2020?
A. It was March 2020.

There is actually a mistake in the statement, because it is not based at HMP Edinburgh, I'm based at our Edinburgh headquarters.
Q. It's a bit of a mouthful, the title, but can you just tell us what in essence it involves?
A. Yes, absolutely. It's basically I suppose the kind of

policy arm of the Scottish Prison Service. There are various teams that fall under my remit, so I look after case work and psychology, I look after the health team and I also have a team which is more varied but has things like education, family engagement, throughcare as part of that. We are certainly not the only part of the organisation that engages with stakeholders, but a lot of the interface with Scottish Government and I suppose strategic level with NHS, Social Work Scotland, Parole Board. You know, these bodies would be coming through my directorate and we would be developing policies.

At the minute we are currently developing policies on alcohol and drugs and family support and various other pieces of work that are very multi-disciplinary, so we bring other people in around that.

Q. In terms of what, using the expression, "stakeholder", which I think is part of the current jargon that we use, does that include for example young people in custody and the families of young people in custody, are they stakeholders?

A. Yes, absolutely. We do a lot of -- I suppose based on my experience in The Promise and the Independent Care Review, most Government bodies now are much more focused on user voice in any event, but I suppose because of my personal experience I'm very motivated to do that. Yes,

we spend a lot of time making sure we get the views of our user group in that respect to inform the policy work, including, as I said, with the quality indicators.

Q. We'll come to maybe some of the more detailed things that will illustrate that, but in terms of informing policy development and change, that one aspect is this user experience and views. That is one important aspect.

Another is research --

A. Yes.

Q. -- that's been conducted in the particular field.

Both of these I think you are saying are part of the evidence that you are trying to gather to inform the policy?

A. Yes, absolutely. We're currently reviewing our 'Talk To Me' strategy. We have already undertaken user voice consultations around that. We are conducting a literature review. We are going to be retendering our education service, so we are commissioning the same kind of research.

In some instances we commission independent research, so for the women's estate we think it's very important that any research is seen to be very much independent of our view, partly because the operation of the women's estate is a partnership collaboration. It's

not just about us.

We bring to bear a whole series of different kinds of evidence formats, to make sure we're properly informed.

Q. You are obviously a proponent of that approach and is it something that you have always favoured, doing things that way or -- because you have a background in research and you have done various degrees, which would involve research work. Is that the way that you tend to want to operate?

A. I suppose I do have an academic background, although, as my mother would tell you, not much common sense sometimes, so I have an interest in making sure that we understand the position and that we get a diverse range of views about what we're trying to do.

But I think the service generally, in common with other organisations, has evolved over -- certainly in the time that I've worked in the service. In more recent years there's much more understanding about the value of doing that and making sure that you know what international best practice is, when you're looking at very complex issues sometimes.

Q. Was the policy arm of the service, did it always do things that way?

A. We have always had a research team. There is a research

group, but it doesn't sit within my directorate, so there is a separate part of the corporate body and -- how to explain this.

When I took up role that part of the corporate body did sit within my directorate and then later in the last couple of years it's moved elsewhere, for good reasons.

We have increased the focus on data and analysis and performance measurement and our research capability on a number of fronts, but I think particularly there is a desire to make sure that we have a better understanding, not just of whether what we're doing is -- the services that we should be providing are actually happening, but whether they're the right things or not and whether they are actually effective.

Q. Is that perhaps an approach that's finding its way into many bodies, regulators and inspectorates, it's a modern approach to try and gather data, analyse data and respond accordingly to what you see from the analysis. Is that a modern approach, if you like?

A. I think there is no doubt that we are encouraged to do that by Government anyway, as a Government body --

Q. As a general approach?

A. As a general approach, but certainly from my perspective the senior team in SPS at the minute are interested in doing that, making sure we get things right.

Q. The reason I ask that is that yesterday we heard some evidence from Education Scotland and they did provide us with a considerable amount of research and analysis work of all the records that were available to them, going back many decades. From that they were able to analyse and come up with general conclusions about the state of the system from time to time, what was wrong about it and what might have needed change or what should have happened, and appear to have considered that a valuable exercise.

It sounds as if that is the sort of thing you think should happen routinely and periodically, that you do that exercise.

A. I think we do it differently from Education Scotland. I'm really not qualified in this area, but my memory of my time in Education Scotland was that they had a significant number of people who were spending time evaluating and comparing the inspection reports across Scottish schools.

Q. Forgive me, I suppose the point was a different one. For a very long time they had this repository of knowledge over many decades.

A. Yes.

Q. But until we asked them to do a report and carry out a review and analysis, which they have done in

a comprehensive way, they perhaps didn't see the bigger picture or didn't see the trends or didn't see the weaknesses and it was only when they did that that their eyes were opened.

That's the point I was putting. Perhaps they weren't unique in terms of organisations historically?

LADY SMITH: We now have hundreds of pages of what they have unearthed that was sitting there. Some might say if you are really interested in where we're at and where we need to go, but how we got to where we're at, that should have been mined long before now. Not all the information is there. Not all the details are there, but it's not difficult to see where some of the glaring problems were.

A. Yes.

LADY SMITH: It's very interesting.

A. That wasn't what I was working on in Education Scotland.

MR PEOPLES: No, I'm not suggesting that for one minute. I was just trying to see if we could compare what happens now with --

A. Yes, I think in SPS -- what I would say is there has been an increasing focus over time in SPS on making sure that we get better performance information, better data analysis and we make better use of our evidence base, but that's been an evolving process.

Q. Indeed. I think we discovered when we had our case study on Scottish Government that when they were faced with a call for this Inquiry, they made some basic or superficial enquiry into the state of the problem or the state of the care system and came up with conclusions based on perhaps insufficient evidence about the scale of problems like abuse.

Whereas if one does the sort of exercise that has been done recently by Education Scotland, they might have got a very different picture had that been done and done as an approach over the years. Rather than just getting an odd piece of information here and there and not necessarily putting all the information together.

A. My best reflection on that would be just my experience in The Promise, that again there was a really significant emphasis placed on making sure that there was an extraordinarily robust and comprehensive evidence base. We learnt things about the care experience as a result of that. It's always something that I would advocate for, but honestly I'm not qualified to tell you whether or not --

Q. No, no. I'm just trying to see if we can put this together. Obviously we live in a world where data's a rich commodity and everyone wants it and everyone wants to gather it and no doubt many people want to

analyse it for various reasons. That doesn't seem to have been something that in large organisations that ran services, for example for children, that that sort of approach or exercise was done. They may not have had the same tools as we have today, but they still had the paper and they could have put the paper together and sat someone in a room and said, "Just have a look at it and give us the big picture".

A. What I can say for SPS is that we've always had a research facility, in my entire time there. But we are exploring different types of evidence, like the user voice and the quality indicators approaches and that's given us different information.

What I do think is important, on any particular problem, is that you develop a rich picture of the evidence, because otherwise the data sometimes can be misleading. If you only look at quantitative information sometimes that can send you off down a path which isn't always particularly helpful, and not accurate actually.

Whereas if you also have qualitative information, particularly not just about what you are doing but about what people feel about it, then you have more chance of reaching more accurate conclusions.

Q. Can I go back to your statement, if I may.

Page 2, paragraph 6. In terms of the current post that you hold, you say that you hold the brief for the young people and women's strategies and that you were the senior responsible officer for the project which led to the establishment of the new women's prison at Stirling, is that correct?

A. Yes, that's correct, although only the latter part of the project for Stirling, but, yes, that is correct.

Q. You say "we led", when you mean "we", who do you mean?

A. I suppose my team.

Q. Your team led on SPS responsibilities for the United Nations Convention on the Rights of the Child obligations for young people. You say you are currently leading on the implementation of non-pain-inducing restraint across the service, which has initially been rolled out at Polmont and Stirling.

I'll come back to that, but at this stage can you tell me when the initial roll out was of that, roughly?

A. Roughly, where are we now? 2023, so it would have been last year in Polmont.

Q. Last year?

A. Last year.

Q. 2022?

A. 2022, I think. I can't believe I can't remember that.

Q. It's fairly recent?

A. Yes, very recent.

But we started training -- the training programme took place, because you obviously have to train all your staff before you can go live, so that would have taken place over a period, but I honestly can't remember exactly what the go live date was, but it's very recent.

Q. The next section of your statement is headed "Guidance Documents and Reports". To give us a clue to -- I think what you are seeking to do to assist the Inquiry is at least identify reports that were particularly influential, certainly in the prison context and particularly influential for you personally, is that correct?

A. Yes.

Q. If you look at paragraph 7, you mention two reports that you particularly focused on when you were at Cornton Vale between 2002 and 2006.

The first one is a report that was entitled 'A Safer Way', which came out in 1998.

Which was followed up in 2002 by a further report which was called 'A Better Way'.

If I could just ask you this, the 'Safer Way', would I be correct in thinking that this was a report on women in prison in Scotland by the Social Work Services Inspectorate and the Prisons Inspectorate for Scotland,

so it was a joint exercise. Do you recall that?

A. I don't recall that specifically.

Q. Maybe take it from me --

A. If it is, okay.

Q. Perhaps you will recall that one of the main points of the report was that it was advocating limiting the female population at Cornton Vale to no more than 100 by the end of 2000; does that ring a bell?

A. Yes. My memory of both those reports really are that -- so they certainly focused very much on reducing the population, but also that I think they helped people get a better understanding of the reasons why women come into custody. I think that was what struck me particularly.

Q. That's particularly important to you, to have an understanding of why people offend or why they end up in prison?

A. Absolutely.

Q. Women or any group, young people?

A. Yes, the boys in particular for me.

Q. It's not just something that applies to a particular group?

A. No, I think we should all be interested in prevention. It makes sense to understand it.

Q. In some ways this approach to women in prison has yet to

be rolled out across all the groups that are in Scotland's prisons. It's a work in progress?

A. When you say all the groups in Scotland, do you mean all the women?

Q. No. Young boys, young males, adult males, so this approach is not universal at moment. I think you would want it to be rolled out across all groups?

A. Okay. Maybe to explain -- this would be one of those issues which is a personal view as opposed to a corporate view.

I'm currently doing some PhD research, which doesn't mean that I'm qualified to say anything specific, but my interest really is in trying to understand more about how young boys end up in custody, because we have 8,000 men in prison, adult men, and a relatively smaller number of women. I think that there are lessons that we can learn from our experience of working with women, but particularly their pathways into offending that potentially could be more applicable to boys.

Really what I'm advocating is a more preventive approach, where we go back to looking at how we bring up our little boys in society and messages that we send them and the kind of positive Scottish role models that we create for boys and do things in a different kind of way, if ultimately we want to stop prison numbers rising

in the future.

Q. We'll maybe come back to that, because I think you do develop that a bit in your statement and we'll come back, but going back to the paragraph 7, just the later report in 2002, 'A Better Way', I think again you may or may not know this, it was a report of the Scottish Executive's ministerial group on women offenders. Does that ring a bell?

A. Yes, it does.

Q. Again, as you say, one of the main areas of focus for that group was looking at ways of reducing the numbers of women in prison, I think that was the general aim?

A. Yes. There's always been a focus on that, really since that time.

Q. If we go on to page 3 of your statement, and this is you looking back to your time in Cornton Vale between 2002 and 2006, you tell us that there was a lot of concern about how women offenders were managed in other parts of the United Kingdom, England in particular. You refer to a very, I think, important report, the Corston Report in 2007?

A. Yes. One of the London prisons I think for women had been subject to a lot of criticism. I can't remember which one specifically, but there was a lot of criticism about one particular prison, which led to this review

being commissioned by the UK Government, I guess. She was interested obviously in practice in other jurisdictions and she came up to Cornton Vale.

It must actually have been slightly after I left, but I was there for her visit and she said she was very impressed with the progress we'd made there.

Q. You were at Cornton Vale from 2002 to 2006?

A. I was.

Q. It may be the report was published in 2007 but it may well be that she visited before then --

A. It's possible, but I certainly remember being in the establishment and hosting the visit, so that's possible.

Q. You tell us at least that -- I suppose it depends what you are comparing it with, but she was impressed with what you were doing there and made express comment within her report?

A. Yes, she does. She talks about that within her report. Not hugely, but she makes a comment about it.

Q. I'll just mention one thing. I think that one thing that did really result from that report, the Corston Report, was that certainly so far as the position in England and Wales was concerned, did that lead to a change in the approach to strip searching of women in prisons and was that a result of the Corston Report or do you know that?

A. I can't remember whether it specifically connected to that report, but certainly we have significantly changed our approach to strip searching of women. In my time, even in Polmont, we had specific technical equipment installed in a reception area, which is -- the best way of describing it is it's like the kind of walk-through portal that you get at airports, so that you could detect particular items of equipment that might be a risk whilst people are clothed, without having to get into strip searching. We have significantly reduced the requirement for that, because we know that, and this actually doesn't apply just to women, many women have suffered abuse of various different kinds and that it's very traumatic to be searched in any way actually, but specifically to be strip searched.

Q. Would you describe it as degrading unless there's a very, very good reason?

A. I think it has to be managed -- it's something that you wouldn't want to do, something that staff don't want to do either. It's not a comfortable thing if you're a member of staff to be physically searching somebody else in that way.

Q. You certainly accept or recognise the perception that the person searched might have, that it was very degrading and inhuman or words of that description?

A. I can certainly understand that that would be potentially their view. My view would be in terms of our professional practice is that obviously when it had to be done in past it was carried out in accordance with rules and as professionally as could be managed, but, yes, it is an unpleasant thing for everybody to have to do. And I think we are all very glad, staff particularly, that we've been able to move towards a position where technical advances and changes in our policy have allowed us to move away from that position.

Q. Some of the things that you've talked about that was introduced at Polmont in your time, like the airport machines, that wasn't rolled out across the whole prison estate. I seem to have a recollection that for example was it Barlinnie has only recently had something similar installed for searching, for items going into prison certainly.

A. The equipment is very expensive, so, yes. There are -- in common with all other organisations -- real resource limitations, but where we do have these kinds of facilities we have tried to site them in establishments where we have a female population or populations who are particularly vulnerable, for whatever reason, to minimise any distress.

It would be consistent with a trauma-informed

approach, which we'll probably go on to talk about.
Q. Yes, we will come to that, yes.
LADY SMITH: Sue, you referred to when strip searching had to be done in the past. Can you give me some examples?
A. Yes. In the past if there were views about -- that someone might have secreted drugs upon themselves or where they might have had a weapon, particularly.
I would have thought that was probably the biggest issue for the women, because in circumstances where you have someone who is actively self-harming, for them to have an object that they can hurt themselves with is sometimes very difficult and they'll hurt themselves with all sorts of different kinds of objects.
In the past, it was very distressing for everybody, but sometimes felt to be necessary in order to best protect somebody.
LADY SMITH: Thank you.
MR PEOPLES: This type of searching that you have described could have happened to a young person under 18 just as much as it could have happened to a person over 18?
A. Yes, in the past it could, yes.
Q. Going back to your statement, paragraph 9, you tell us about another significant report in 2008 by the Scottish Prisons Commission, which published a report called "Scotland's Choice", which you tell us generally dealt

with prison numbers and impact of population increases, which you say is something ... is it the service is facing now?

A. Yes.

Q. You described this as an important document. Can I just ask you this: was one of the things it was doing was quite similar to the reports 'Safer Way' and 'Better Way', was one of the matters that they dealt with was a call for a very significant reduction, I think it was around 38 per cent, in the prison population, which was then around 8,000 and they were wanting it down to around 5,000. Do you recall something along those lines?

A. Yes. Certainly, the main tenet of the report was that they wanted prison population numbers to decrease significantly. We are currently heading towards 8,000 people in custody and that's really significant, but I think one of the things also to help understanding is that it's not just that the volume of people coming into prison is increasing, but the complexity of their needs and the risks that they represent is much more acute than perhaps was the case in the past.

Thankfully though numbers of young people and numbers of women have reduced.

Q. I was going to ask you, maybe this is as good a time as

any. I think you can give us a pretty up-to-date figure for the number of young people under 18 in custody of the Scottish Prison Service as of now?

A. Yes. So there are five 16 and 17-year-olds as of yesterday in custody and we have a total of 261 18 to 21-year-olds in custody, of which seven are women. They are not all in Polmont, but 202 of those are male individuals who are in Polmont.

Q. Of the five, the group of five, are they all in Polmont?

A. No, they're in Stirling and Polmont.

LADY SMITH: Sue, can you just give me the figures for the 18 to 21-year-olds for the transcript?

A. The 18 to 21-year-olds, there are 261 of those in total, of which seven are female. Of the 261, 202 of them are male and they are in Polmont.

LADY SMITH: Thank you.

MR PEOPLES: Of the five who are children, they're distributed currently in Polmont and Stirling?

A. Yes.

Q. I take it from that, if they're in Stirling at least one is female?

A. Yes.

Q. I don't know whether you have a breakdown of the gender of the five?

A. Yes. If the numbers are less than five we don't

normally -- because it identifies individuals, if that's okay.

Q. That's fine. We can take it from where they are --

A. You can take it that there is at least one.

Q. Can I ask you this then: is Polmont currently used for young women under 18?

A. No.

Q. No.

A. Not since we opened Stirling.

Q. No, but it would have been before the opening of Stirling or could have been?

A. Yes. In my time there, it was.

Q. We were discussing in paragraph 9 the Scottish Prison Commission report. You also mention another report, which I think is the Angelini Commission, as you describe it, which was published in 2012, which was again concerned with women in prison and the management of women in prison. Is that correct?

A. Yes. I think there was just growing frustration really that despite the earlier reports, numbers of women in custody had not reduced in the way in which it had been anticipated. I think that that was -- if I remember rightly -- the driver behind the Angelini Commission.

Q. One of the things it did recommend was the closure of Cornton Vale?

A. Yes, I think it did, yes.
Q. In 2012?
A. Yes, I think so.
Q. Although that's only happened in 2023?
A. Absolutely.
Q. It's taken a long time?
A. Well, yes, but building new prisons is a long process. There was, after the Angelini Commission, initially the service response was, at the request of Government, to start to develop plans for a new prison which was going to be called HMP Inverclyde, so there was work undertaken on that. Then the Cabinet Secretary of Justice changed and Mr Michael Matheson took up his role. There was growing pressure from a variety of different quarters, and that was understandable, that we ought not as a society, not the SPS, but as a society we shouldn't be moving to build new prisons for women and that because we should we be focusing on reducing numbers not building more prison capacity.

As a result, there was a substantial review that involved a wide range of different stakeholders, who gave advice and as a result of that, from that evolved the concept of a small hub prison, which has become HMP Stirling, and a number of community custody units.

Once that was agreed by Government we then went on

to obviously commission, procure, design, do all the things we need to do to bring a new prison to fruition.

Q. I think we know that large construction projects, even if they're smaller than before, do take time, perhaps too much time at times.

It has now closed and you have a very different prison at Stirling --

A. Yes, we do.

Q. We can deal with that in due course, but that has happened now.

The other thing I was just going to perhaps ask you and I don't know if you know this, but I think that the Scottish Prisons Commission report had a number of recommendations in 2008, one of which I think was recommendation 6, which was recommending exploring options for detaining 16 and 17-year-olds in secure youth facilities separate from older offenders and those under the age of 16. There seems to have been calls then, in 2008, to get 16 and 17-year-olds out of the prison system?

A. Yes.

Q. That hasn't happened yet?

A. No, it's not happened yet. From our perspective, that's obviously for Government to lead on, but I think I would always -- on a personal basis, as a prison governor in

the establishments when I have worked with children, would always have been quite vocal in saying that children should not be in a prison. I just think that's a human rights issue. It's not something that a society should do. It's just not right.

Q. From your point of view, if I was to say -- if I'm a child one of my human rights that might be valid is if someone tried to put me in a prison rather than an appropriate setting if I need to be some way kept in some sort of secure condition. That is your view, would it be --

A. My clear view would be, on a personal basis, that I don't think any civilised society should imprison children. That is my view.

Q. If we go to paragraph 10 of your statement, that was the view in The Promise report, to the same effect, isn't it?

A. Yes, it was.

LADY SMITH: Sue, something I sometimes heard in the days I sat as a trial judge being put forward in the plea and mitigation for a youngster was the plea not to send this young person to the university of crime. Do you hear that sort of thing said? It's looking at matters from society's interests. It's a very hard-nosed practical interest if you like, but don't send them somewhere

where they're going to be able to learn more about how to carry on in an offending lifestyle.

A. Do you know, I suppose it depends which perspective you look at that from. I think from my point of view I look at it more from the perspective that children are not fully developed as individuals. We know a lot more from the evidence now about how their brain doesn't develop fully until they're about 25, actually. And children who are particularly disadvantaged and been subjected to trauma also have neurodevelopmental issues, learning difficulty issues. So their ability to problem solve and take decisions and -- to be perfectly frank -- to fully understand the justice process that they're going through I think is limited in some instances.

I think I just see it less from the opportunity of somehow that prisons are -- clearly, prisons are full of people who have committed offences. That is a fact. But it's less that issue and more about recognising them as children who are still developing and who need more intensive, more specialist support from people who are properly trained in child development. That would have been my rationale.

LADY SMITH: Thank you.

MR PEOPLES: Perhaps just this is a good point to ask you, you don't really like someone being referred to who is

in detention as continually being referred to as "a young offender". They've committed an offence, but you don't feel that is necessarily the best expression to use for their whole period in detention; is that right?

A. I tend to talk about and with the staff group we talk about people in our care, that is terminology that is much more frequently used anyway now across the service, but -- sorry, I've kind of lost my train of thought. You were asking specifically about ...

Q. Describing someone from start to finish of their sentence as a young offender, I think you have a certain view about that, that that has implications and consequences, which may be unintended, but --

A. So the desistance literature would tell you that if you -- if I refer to you as an offender, there is a kind of perception that that's who I am and I'm never going to be anybody else and I'm always going to be an offender. Whereas if you talk about a young person who has committed an offence, but can become something different in life, the fact that they've committed an offence doesn't define their whole set of life circumstances and they can move on from that and be a dad or an employee or can contribute to society in different kinds of ways, that opens a perspective for

them which is more hopeful, I suppose, and more positive.

That's where that perspective comes from and we just tried to change the language a bit. It's only one very small part of a much wider culture change, which is about helping the staff understand why young people do the things that they do.

Q. Also if you are the person in detention and you are continually referred to as an offender, your perception might be: well, that's what people think of me. They don't think of me as someone who can be changed or can live a useful life or whatever?

A. I think one of the most important things in prison, and it might sound like a surprising thing, that we can do in prisons is to give people some kind of hope for a different kind of future. It might seem like that's an odd thing for us to try to do, but it's really a very powerful thing.

Q. You have another section in your report, which is more focused on obviously the subject matter of this Inquiry, nature and scale of abuse. That's on page 3, it starts at paragraph 12.

I just want to ask you about that part of your statement. You tell us in the first sentence on page 3:

"When I arrived at both Cornton Vale and at Polmont

both had difficulties of different types, not specifically related to abuse."

Just pausing there, you are not excluding abuse as one of the difficulties?

A. No, not specifically. I do go on to talk about levels of bullying in the establishments, but I wouldn't -- the inspection reports that were created and it just so happened, it was a coincidence, but when I arrived in Cornton Vale and in Polmont there were inspection reports at or around the time that I arrived, so they gave me a good foundation for the things I might improve going forward. So it's not that I'm saying that I thought either establishment was in and of its essence an abusive environment. I'm not saying that.

But, as is always the case, there were things that could be improved. I think one of the things that I sought to do quite early on in both establishments was to create a sense of direction and purpose that could bring people together. I think that was one of the things that was missing in both establishments.

Q. I suppose, and we'll turn over to paragraph 13, abuse for example, bullying, was a problem in both?

A. Yes, absolutely it was.

Q. Does it remain a problem today -- whatever the scale might be?

A. Yes, of course. We'll go on to talk about trauma-informed practice. Prisons are full of lots of people, in fact almost all of our population has experienced adverse childhood experiences of various different types. Some of which are very acute and extreme. They've been through very traumatic circumstances. That's led to developmental difficulties of different types and so people behave in very challenging ways. You are bringing together all those people to live together in one environment and as I describe, I think, later on, it's a bit like each of the high schools saying:

"This is our most challenging pupil, that we can't control in any way, is completely out of control and we don't know what to do with them."

Then you're bringing all of those people together into a prison context. The important thing is to understand that the boys and the girls engage in bullying behaviours because very often that's what they've experienced themselves and they've had horrendous, appalling life circumstances and they're very vulnerable. That's your starting point.

But, yes, there is definitely bullying and it's something you have to monitor and maintain a focus on all the time.

Q. If we go to paragraph 13, page 4, you do say one of the biggest issues is always bullying. You are talking between the boys in particular, but I think you say it's not just the boys?

A. Teenage girls engage in bullying as well, but there's more of the boys, so it's maybe more apparent.

Q. You probably had more exposure to the teenage boys from your work as a governor in Polmont than teenage girls. I mean the relative numbers in the prison population are quite significantly different?

A. Yes, they are, but I would have been managing the young women when I was in Cornton Vale.

Q. You tell us there that you adopted a number of measures to try and combat that problem, in both Polmont and Cornton Vale. Is that correct?

A. Yes, I mean in Polmont we tried everything. We introduced restorative practises, we set up the community safety unit, where we had members of staff who were specifically trained in that so if young men were getting into difficulty with each other, getting into fights, you could go and do work with them both to try and mediate the difficulties they were having. We ran courses on bullying and relationships in various different types of courses.

Q. Can I stop you there and maybe take some of those in

turn, just to try and help us with how these different methods operate in practice and how successful or otherwise they were, just if you can form a view on that.

Take for example -- I think in your time in Cornton Vale you introduced restorative practice approaches, I think with the assistance of SACRO, is that right?

A. Yes, that is correct.

Q. Can you just tell me how that worked in practice, maybe by reference to some sort of example?

A. Yes. We worked with SACRO, who were at that time the kind of specialists in restorative practice in Scotland, and we trained certainly one of my first-line managers, who was the lead in that area, and a number of other staff. When the women fell out with each other, as they did from time to time, because when you have people that are living in close proximity with each other all the time that happens, there were various different levels of restorative process.

If someone came to you and said: I've fallen out with so and so and they're bullying me, you could work with them as an individual to build their resilience about how they would cope with that, because sometimes they didn't want you to also speak to the other person,

so you could do it just with the individual who was talking to you about that.

Or you could do it with both individuals separately or you could do it with both individuals separately and bring them together. So there were various different levels of engagement.

There was also, at the highest level, a group-based restorative process, which was basically really more about helping people to work as a community, if you like, and take responsibility for each other and share practice.

We didn't do a lot of that, I would have to say, because it was very resource intensive, but we did do quite a lot of the lower-level responses. Sometimes from actually as a referral from the orderly room. The orderly room is our disciplinary process. So if two women had been involved perhaps in a fight, for example they might both end up on report and as part of a disciplinary process. We tried very hard in my time in Cornton Vale to reduce the focus on disciplinary processes, so in this instance with restorative practises if both women when they came forward were willing to engage in that kind of mediated discussion, which is really conflict management, then they would be put into that process rather than there being some kind

of disciplinary outcome.

Q. They had to effectively agree to participate in the process, otherwise it wouldn't work at all?

A. Of course, yes.

Q. Did they generally prefer that alternative to the other one of some form of punishment?

A. Yes, absolutely. I think actually, certainly with the young people, as time has gone on the school system has become much more involved in that kind of conflict mediation, restorative approach. So the young people who are coming into custody now, despite their own poor experience of education usually, are also more -- there's more familiarity with that, but we were doing it in Cornton Vale -- arguably certainly well before it became something that the schools would have taken on.

LADY SMITH: In your restorative practice, what is it that you saw as being restored, hopefully, as the outcome?

A. The relationship and -- because of the damage that people have suffered in their own lives, they find it difficult to appreciate often the perspectives of different people. So if you are working through a process of helping people understand not only how they feel about things, but how someone else might feel about their behaviour and response, and you're sharing that information so that both people get a better perspective

on where they're coming from and why it might be that the other person is not particularly happy about the way that they're behaving, then you are generating that basis for a more positive relationship.

It's not a magic wand, it doesn't always work and sometimes with some individuals -- there were some individuals that were repeatedly potentially involved in that kind of work, but it's better than, in my view, a disciplinary approach, which really achieves nothing and sometimes even makes the situation worse by polarising.

LADY SMITH: You said you recognise that on occasion the person who comes to you to complain about what is going on may not want you to involve the other person, but you are still calling that a restorative process.

The reason I'm asking you this I'm wondering how that could lead to the restoration of a relationship?

A. It can't in all circumstances, but you have to respect the fact that some individuals are looking more for personal support and I suppose resilience building in how they can cope with that, but don't feel ready at that time necessarily to be in a more challenging conversation about their behaviour and the relationship of others.

You would obviously be exploring -- if an individual

had come forward in that context and said, "I'm being bullied by so and so", at the very least that would lead you to some interesting intelligence information about the other individual, that you could then possibly manage in different ways, perhaps by making sure that these two individuals weren't coming into contact quite so often. There were different ways in which you could potentially manage a situation without making it more difficult for the individual that's come forward.

LADY SMITH: Thank you.

MR PEOPLES: Just one question on this matter.

LADY SMITH: Yes.

MR PEOPLES: It's fine if someone comes to you and tells you of the problem, or if there's a fight and they're in the orderly room because of it and they are on report, but what about those that have a problem and they don't necessarily speak up about the problem for one reason or another? How did this approach -- was it applied to them and how did you identify them?

A. The restorative approaches that were put in place required participation by individuals. I think again I say later in my statement that dealing with issues about conflict in prisons is about creating a complete environment in which people feel that they can trust you. So the whole strategic direction that

I established in Cornton Vale was about relationships, because so many of the issues for the women were about -- first of all damaging relationships that they'd had before they came into custody, which led to their offending, but also the difficulties that they had in building relationships with each other, with the staff, with the people who would support them when they went back out into the community, so we put a lot of focus on that whole issue.

At the end of the day you can't -- it is more difficult to help people if they don't come forward and tell you, in the same way as it's more difficult to help people if they don't come forward and tell you that they're feeling suicidal. So the most important thing is to create a complete environment in which people feel more comfortable and have at least one relationship with a professional, different -- people respond differently to different kinds of professionals, but someone that they can talk to is the most effective way in my experience of addressing both of these kinds of issues.

MR PEOPLES: Thank you.

LADY SMITH: Sue, I think we'll take the morning break now if that would work for you. I'll sit again in about 15 minutes, is that okay?

A. Yes, that's fine.

LADY SMITH: Thank you.

(11.34 am)

(A short break)

(11.50 am)

LADY SMITH: Welcome back.

Sue, are you ready for us to continue?

A. Yes.

LADY SMITH: Thank you.

Mr Peoples.

MR PEOPLES: Can I go back to your statement at page 4, paragraph 14. Can we move to Polmont, which you discuss there and you open that paragraph by saying:

"When I went to Polmont the problem of bullying was more acute."

You have already told us the sort of numbers that were involved when you were there initially, of young men, and I think you say there was a considerable amount of bullying. So that's something that you were aware of and tried to address?

A. Yes.

Q. What I want to ask you, you mention two things.

One was that you established what was called a 'Community Safety Unit', having rejected using the description 'Violence Unit', because presumably you felt it would send the wrong signal or not encourage --

A. I just thought it was negative rather than positive.
Q. The language or the description can be important?
A. I think so, but it's only one small part.
Q. What did the Community Safety Unit do and how did it function?
A. Oh, gosh. So we had -- at the beginning it was two members of staff and one first-line manager. Then we negotiated with Police Scotland that we had a police officer on secondment, because I thought it was really important -- clearly, the boys don't have a good relationship with the police, because it's the police who end up bringing them to us. And there were some issues for us about helping them understand the role of authority and that wasn't necessarily a bad thing, and that actually the police had responsibilities for them and that they had rights as well. So there were some rights-based issues around that and it was really interesting to see both the police learning from that experience of actually developing relationships with the boys and being able to feed that back more generally.

Also the boys understanding that police were human and just people in uniform.

We did lots of relationship-type programmes, so helping the boys understanding what was a positive relationship, what was not so positive. We did works

'Committed to Ending Abuse', did group work around the boys' own experience of potentially being in a home where domestic abuse might have occurred, which is quite difficult for many of them.

We did work on bullying. Gosh, there were all sorts of things. We linked up with the youth teams and did thematic pieces of work on bullying and violence and a lot of the work that the police were rolling out more generally.

Q. I just wanted to ask you this though, these sort of opportunities, if you like, to participate in these different ways, either with the Community Safety Unit or the 'Committed to Ending Abuse', was this a voluntary thing? Did the young person basically have to agree to become involved in these programmes and activities or was there a degree of --

A. It was proactively encouraged, would be the way I would put it. The youngsters tend not just to volunteer, and that's actually partly because of their educational experience. There's always a lot of work around getting young people to engage in activity. You would have to do some quite targeted work. If you had youngsters who were having particular difficulties or whose behaviour was particularly challenging, the staff would go and develop a relationship with them, they might get them

involved in something else or they would maybe do something with them that they enjoyed in order to get their participation in something else that they might find more challenging.

It's not straightforward.

Q. Did you get a good take-up?

A. Yes, we did.

Q. Did it reduce the level of bullying? Do you have any sense of whether it was effective in that sense?

A. It's difficult to say that specific unit, but there was a whole comprehensive set of activities, so some were just about improving the range of activities more generally, so the boys weren't so bored. Because when they get bored they get up to mischief. Some was about, in the next paragraph, we talk about as the numbers were dropping, distributing the boys so that they have a room to themselves. Some of it was about intelligence management, so those boys that we knew didn't get on together were managed in different parts of the establishment and didn't end up in activities at the same time, so they couldn't try and fight with each other.

It's a complex web --

Q. It's a range and you hope that the cumulative effect of your various measures and initiatives would bring about

a reduction. Do you think it did?

A. The levels of violence dropped, which is probably your best indicator, in terms of number of kind of fights and incidents.

Q. The precise factors that contribute to that we could argue about or you could say they may all have played a part, but we can't identify necessarily the one that played the biggest part?

A. Yes.

Q. You say that you managed, as numbers dropped, to put boys in single rooms. You use the term "rooms", going back to terminology, you prefer that to "cell", don't you?

A. Yes, I do. I suppose there is a reality about prisons. It's not like student accommodation, but later in my time in Polmont we did a lot of refurbishment work in the halls. We engaged the boys in that, how they wanted it to look, we put in carpets, we put in communal seating which was different. We painted them different colours. We allowed them to choose colours for their rooms. We put in visual displays around the staff desks.

The brief I did give the staff was make it as much like student accommodation as you can and even kind of some of the signage, it used to says "Cells, number 1 to

30", would say "rooms", right.

Look, again it's just one part of a bigger culture change and the sad reality is that it still feels quite institutional, because it's --

Q. Polmont?

A. Polmont still feels like an adult prison. It's better than it was, but when you go into the halls it's a big, open hall.

Q. Does that contrast markedly with Stirling?

A. Very, very much so.

Q. We'll come to that, but there is a noticeable difference --

A. Yes, there is a big difference.

Q. If you visited both places you wouldn't say they look very similar?

A. No, you wouldn't. Not at all.

Q. The move to single rooms, I suppose that it would be pretty obvious that if they're in single rooms, rather than sharing, then nothing can happen when they're alone.

A. You put two teenagers in one small room together for long periods of time, overnight, they're going to fall out with each other about the television, about the telly buttons, about shouting out the windows at their pals, that then leads to a fight the following day. So

having a bit of private space, which they can call their own, where they feel safe and frankly they can get -- be calmer and get a bit of sleep, helps.

Q. In the days when they didn't have single rooms, was there any attempt to match individuals in terms of background, experience, temperament or whether they had particular vulnerabilities or strengths or whatever, was there any attempt?

A. Yes. The staff would do that routinely. If a youngster came in and -- certainly, on admission, if they were quite vulnerable or maybe it was their first time, but they knew Jim Smith down the hallway, then they would often buddy up and even although we moved to single rooms, there were still opportunities to do that. There were some rooms in Polmont that were called buddy rooms that were slightly larger. That was still an opportunity from time to time.

The staff would routinely talk to the boys and if there were two that were friendly, particularly in the remand area, we'd often put them in together.

Q. You tell us in your statement at paragraph 15 that one thing you did find was that a lot of bullying and abusive behaviour happened in the evening when there was less staff available and certainly giving boys their own rooms perhaps to some extent addressed that difficulty,

but what was the relationship between having fewer staff and increased bullying and abusive behaviour, how did that --

A. I'm really just talking about the night-time. You have a staff shift on, early shift and back shift, so the boys would be usually out and about in the evening, either getting showers or what we call recreation time, certainly at my time there, that changed a bit during the pandemic.

At night-time you've got a nightshift on, so I'm really talking about 9 o'clock onwards until, I don't know, 7.00 in the morning is the period I'm talking about.

Q. You have fewer people to be keeping an eye on everything that is going on?

A. Yes, the nightshifts have about eight or nine staff during the night.

Q. What would be the typical day shift?

A. No, it's quite different.

Q. Much larger, the --

A. Oh, gosh, day shift in Polmont, oh, you would maybe have about 40 or 50 staff on during the day, but distributed between the halls areas and the activities areas. At night, obviously everybody is locked up at night so you usually only have one member of staff in each of the

halls, who are going round doing observations or kind of checking on people, where there's particular requirements.

Q. If we pass on to page 5, there is a heading "Staff bullying", but you deal with a number of matters there, including the issue of complaints and the complaints process. I see that you make an observation and I think this is something that has been borne out by what we hear in other settings. In the second sentence of paragraph 16:

"It's a fact that young people generally don't complain as much as adults ..."

Was that your experience, that even if they had grounds for doing so?

A. Yes, that is the case. They don't have the same level of confidence. They have had a bad experience of authority in their lives, so they don't think anybody is going to help them anyway. Some of them don't have the literacy skills to be able to complete things. So we tried -- actually one of the most effective things around that ... we did do regular, almost kind of consultation kind of hall meetings, that we called PIACs, where the unit manager for the hall would go down and get a group of the boys together and ask them how things were going and check if there were any particular

difficulties in that area. But the youth work team were superb in developing relationships with the boys and doing a lot of user-based project-based activity around what kind of services they wanted, what they thought about different things. We'd get a lot of feedback from those kinds of activities.

Q. Can I just ask you a couple of things arising out of what you said. The youth work team, you mentioned that before, can you just tell us who made up that team and what was the team?

A. The youth work team was a service that we brought in from Barnardo's, and we then went on to buy in another service from Barnardo's, which was about bereavement counselling, which I can come back to at another point if you want.

In my time there, we expanded the youth work resource, because I wanted a youth worker that had -- was based in each of the halls. There were three halls, as well as in the activities area, because there were some boys who wouldn't come out of the halls for various different reasons.

We tried to do an in-reach service into the halls, as well as the opportunity for the boys to come out and engage in various different project activity. Youth workers are fabulous people. They start from where the

young person is and then they kind of build the learning around them. By the time I finished there, we had them supporting prison staff in peer support, in parenting programmes. We opened a theatre area, where they were bringing in arts and drama professionals that they were linked with to do all sorts of things with the boys.

Again, it's about finding as many contact points with the youngsters as you can, with different kinds of professionals, so that they find someone that they can talk to.

Q. Did you get the impression that the young people themselves saw the youth workers as different from the prison staff and maybe that made it easier to get them to communicate?

A. Yes, I think so. I think sometimes you'll hear the youngsters say that they think that the prison staff are there for the prison and the service and so are social work, and they class health and social work in the same kind of way, but the youth workers they feel are there for them. It's a very different kind of relationship.

That's not to say that the boys didn't also have good relationships with prison staff. In fact, the prison survey that's completed regularly was regularly turning up levels of in excess of 90 per cent good relationships. It's not exclusive, but I think youth

workers just have a particular kind of --

Q. They could make the connection that you're always striving to get and they could perhaps more often get young people to communicate and express views and feelings and whatever?

A. Yes. So more generally about the services, but also sometimes you would get information that a particular youngster was struggling or having difficulties, because on a one-to-one basis they could talk about that.

Q. On the service, just to finish off, was this youth work service, were they on site on a daily basis?

A. Yes.

Q. It wasn't just they were coming in like a stranger or coming in every week --

A. No, no.

Q. -- or one day a week or whatever?

A. One of the most important things in buying in services to prisons, and particularly with youngsters, is about continuity of relationship. So if you buy in a service where it's a different person that's coming in every time, it doesn't work. It has to be people that get to know them quite well.

Q. It is sometimes said that one of the key potential trusted adults might be a social worker, perhaps even an external social worker with a young person, but

I think we hear that it's not uncommon that social workers change and therefore that continuity that you say is important isn't always available?

A. Yes. That's right. Getting It Right for Every Child and some of the approaches which Government put in place in my time there placed requirements on Local Authorities, when a youngster came in, for the Local Authority social worker to be involved in early meetings with us and for a child's plan to be kind of created around the youngster. We did a lot of work around that to try and make sure that the youngster knew someone in the community was going to be responsible for them when they went out, so again they had that continuity relationship.

It is true that people change posts a lot of the time and sometimes it was difficult for community-based social workers to attend. We tried all sorts of ways with digital technology to do linkups in different ways, but actually they need to get to know somebody.

Q. On a daily basis?

A. Not on a daily basis.

Q. Regular basis?

A. A regular basis. They need to trust whoever it is.

Q. I suppose if you are a young person and you feel you want to say something a social worker doesn't just

magically appear, whereas if you have a youth worker on site then that person is immediately available, because young people may want to say something but say it now?

A. Yes, that's right. It might be a timing issue. They did also speak to the hall managers, the unit managers, the work party officers, they also had a very different relationship with the PTIs in the gymnasium, so for a lot of the young men that kind of physicality is quite important. So different people in the establishment had different relationships.

LADY SMITH: Sue, you told me your first experience of obtaining youth workers was having them supplied by Barnardo's. Did you experience any other service providing you with youth workers?

A. It was a tendered service, so when I arrived there there was a more limited service that was already provided by Barnardo's. I put in a business case and got agreement to expand it and then we kind of retendered it at various different stages and developed the contract arrangements, but Barnardo's were successful again and they were superb.

LADY SMITH: Do they continue to provide this service, do you know?

A. They do, yes. They also provided youth work services into Cornton Vale at that time.

LADY SMITH: Thank you.

MR PEOPLES: You just say at the foot of paragraph 16, and this is I think something you have said already, that the approach that you are striving to adopt is one which is trying to create an environment in which people feel safe and are able to talk freely. Are you saying that at least these initiatives, including this youth worker service at least, was one effective way in your opinion that helped to try and achieve that aim or aspiration.

A. Yes. It was one way. Look, I don't want to create an impression that everything was wonderful, because it's not. You have a lot of very troubled young people together and you have a big staff group, who may have their own difficulties in their own lives and you are trying to get everybody to function in a way that's supportive and it doesn't always work. That's just the way things are.

If you are persistent enough about it and you give people the right training and I think the leadership team in Polmont were fabulous, not me, I mean the other folk in the team were great. We worked in a very multi-disciplinary way, so my senior team meetings included health and social work and youth work and Education Scotland and they gave us invaluable advice and knowledge about how to do things differently.

Q. What was happening at Polmont in the way you've described, was that happening across the prison estate?
A. My focus at that time was in Polmont, so my impression is that -- we certainly talked about what we were doing in Polmont and other governors were interested. From where I am sitting now, looking at the way in which different establishments are operating, I think there's quite a number of elements of the kind of approaches that we took in Polmont being used in other establishments, which is great, and the development of trauma-informed practice I think will continue that. There's lots of governors who are motivated to work in these kinds of ways, but they have different populations and it has to be -- in our case it had to be age and stage appropriate. If you are working with very long-term adult men in Shotts it's a different kind of position.
Q. You have said something about the use of the complaints system and how young people would use it to complain about attitudes of staff towards them. Can I just ask you before we look at some of the ways that you say the issues were dealt with or resolved, what was the system at that time if I was a young person and I wanted to make a complaint? Was it an easy system and was it a good system on reflection?

A. I think it was reasonable, but I think we should change it going forward. Devising a complaints system I know is actually quite a complicated process, informed by legal advice. It has to be consistent with the prison rules and a whole set of other legislative requirements.

There was a major redesign of the complaints process some years ago. I couldn't tell you when exactly that was. It hasn't really changed much since that time. The difficulties from a young people's point of view, and arguably some of our adults as well who have literacy difficulties, is it has to be accessible and I think it probably is time that we undertake a broader review of our complaints process.

It might be, we are moving towards a position where we have digital facilities in people's rooms. We are starting cabling up for that and you could envisage a position where -- we all use digital technology more now, it would be much easier for a young person to press a button and say, "I've got a problem, can someone come and talk to me?" Without having to write down what that is and go through this form filling process, which is quite offputting for them.

We have an equalities and rights lead in the organisation, and she has undertaken a bit of a review of the complaints process from a young people's

perspective. I think that's been fed into our equalities group. There is interest around that and what we might need to adjust. It's difficult to make small adjustments to the complaints process without doing a whole review.

Q. Is that a work in progress?

A. I can't say whether that is the case or not, because I genuinely don't know. I just know that piece of work has been undertaken.

Q. It has been or is being?

A. No, it has been. There has been a paper submitted to the equalities group about that.

Q. There's not been any major redesign, as you described it, of the complaints process for some time?

A. Not for some time. What we did do in my time in Polmont -- I'm pretty sure that the current governor has done further work -- is we engaged with various organisations that were responsible for educating young people about their rights. We did various bits of work about that. Our equalities lead I know has been into the establishment to run sessions with young people about that and the youth work team again are excellent at that kind of thing.

We've done things like we have developed a user-friendly young people's version of the young

people's strategy, working with the young people. It's in their words. Again, it's one of these things that it's a kind of a complex mixture of lots of things that you are trying to do to raise awareness with youngsters.

Q. You tell us obviously what was done if you received some form of complaint. You have mentioned the mediation process that you started in Cornton Vale, but obviously there would be times when certain matters, as a matter of course, would be referred to the police. If there were certain types of complaints or allegations, was that the standing policy?

A. So it's my policy.

Q. Your policy. Was that the service policy?

A. There would have been -- I was trying to remember whether at that time there was a kind of specific written guidance for governors, but there has always been a very clear expectation that if any incident takes place where there is significant physical harm and certainly any allegation of sexual abuse, that you refer it to the police. Apart from anything else, it's much cleaner from our point of view to make sure that there is an independent investigation around anything of that kind.

Q. Are we talking here about allegations that appear to involve criminal activity?

A. In Polmont you would get regular fights. Maybe if I explain examples, you would regularly have boys throwing punches at each other. If either of them made a claim of assault, so they would be advised that they could make a claim of assault to the police and that would be put out. But routinely those kind of things, provided there was not any serious injury, were dealt with through our disciplinary processes.

But if there was a significant injury it would always be referred out to the police, whether or not the two youngsters wanted that to be undertaken we would refer it out. There were very few -- I really can't remember clearly, but the instances when youngsters made complaints about any form of sexual abuse would have been absolutely minimal, but if that happened in any case it would definitely have been referred out.

I do talk in my statement about one case that I do remember, where there was an allegation of some form of penetration and it was clearly a very serious issue. I do know that that was definitely referred out to the police.

Q. Was that between --

A. Between young people.

Q. -- young people?

A. Yes.

Q. We know from other evidence, and we heard from Professor Norrie, that until 2015 there was the system of visiting committees, who had some form of jurisdiction to entertain complaints by people in detention?

A. Yes.

Q. That was replaced by a system of independent prison monitors, who are now I think broadly overseen by the Inspectorate.

You mentioned examples of where you would refer to the police. What about the visiting committee, did they generally become involved in issues and if so, in what way?

A. Yes. There was a mechanism by which the young person could put a note to them to say they wanted to see them. They might raise an individual issue with them. Actually, both the visiting committee and subsequently the independent prison monitors were pretty good at taking those issues, depending what the issue was, and trying to resolve it at the lowest possible level.

Obviously you are interested in specific allegations about abuse, but a lot of the time the issues are about so and so doesn't like me very much or I'm not getting the right work party or I'm not getting the kind of diet I want. A lot of the time these complaints issues are

resolved by discussion with different people at different levels in the organisation.

If there was at any time a serious complaint passed to them, then generally speaking they would make me aware of it, and if not me then the deputy governor if I wasn't around for any reason. We would be obligated to act on it. Again, almost whether the young person wants you to or not, because once you're in possession of knowledge that someone is making an allegation that there has been a serious offence committed you can't do anything else.

I would be getting the head of ops to contact the police and say, "Look, we have to have this investigated".

Q. You say something in paragraph 18 about your -- this is your experience of prison staff that you have come across in your time with the service. You say:

"The vast majority have been intensely compassionate and very professional, but like any other large organisation there will be some who are probably in the wrong job."

You say:

"Where there is evidence to suggest that someone's behaviour is not acceptable then they would be dealt with through disciplinary procedures. If there was

something more serious the police would become involved."

A. Yes, absolutely.

Q. Can I say this: you have at various points pointed up to things that maybe weren't acceptable to you and you made changes, for example, when you went into Cornton Vale or Polmont. Was that, in your view, because you felt that the problem was the system, not the staff within the system? The way of working or the way things were done.

A. I think it's usually a complex mixture, but a lot of change management is about leadership I think. I don't just mean from the governor in charge, but from the senior team. So if you are modelling a particular style of going about things, then people generally warm to that.

Q. It sounds like you are saying that we see in regulations in other fields about the importance of the personal influence of the person in charge in the establishment, but also too the people who lead the organisation?

A. Yes. We are very lucky, and I say this very genuinely, that our Chief Executive is a very person-centred individual, so it's been easy in policy terms for me to advocate for things like trauma-informed practice and training of senior leaders and organisational values. She is committed to those things anyway.

But in this context, it is -- I think in honesty I would have to say to you any job where there is a potential role in terms of power over others has the potential to recruit people in who like that for the wrong reasons. In any job you are going to get people who are there for the wrong reasons. I'm sure you see the same in your kind of business as well. But prisons and the police and organisations where you have power and influence over others, you always have to be very attuned to the fact that that has -- you have to carefully consider that throughout.

Q. I think an experienced inspector of approved schools once described in the 1960s the terrifying power of the headmaster of an Approved School, to describe what the power involved and how it could either presumably be abused or misused or used benignly?

A. Yes. The best way to address that, apart from training and development, is about the leadership style, but it's also about that issue about user voice, because the more that you put the staff into a position where they are working genuinely collaboratively with the young people, the more everybody comes to a position where we're all in this together and we're all human. There are lots of ways of doing that, but ultimately that kind of balance of power between different people is a critical one and

as a governor it's something you have to pay attention to all the time.

Q. It's back to relationships?

A. Yes.

Q. Again?

A. Again, yeah.

Q. Moving on to page 6, you have got a section headed "Current approach to female offenders". Just before we go on, you mentioned PIAC before and I think we see what that is, it's the Prison Information Action Committee, or committees, that were instituted in various establishments. Is that right?

A. I can't remember what PIAC stands for, which is terrible.

Q. Prison Information Action Committees, which I understand to be a type of prisoner forum where representatives of prisoners meet with prison staff and management to have a dialogue on behalf of their respective interests?

A. That is right.

Q. Is that a fair description?

A. That is fair. It's not quite as organised as that, but each of the halls in Polmont for example would have a unit manager who was responsible for the hall. They would be required, pretty much at monthly intervals, to sit down with a group of the youngsters, so they're not

elected representatives in that sense, and over a cup of coffee they would have a conversation about how things are going, any particular issues, things you want to have changed. In that you would get conversations about how the different staff shifts were working and all sorts of stuff would come up. There would be minutes taken of those and we would then consider what we can do about them, any particular issues that came up.

Q. In paragraph 20 you talk about inspections of both places, Cornton Vale and Polmont, and I think you took comfort from the fact that these inspections were to a large extent identifying what they considered to be improvements in the establishments?

A. Yes.

Q. Indeed you refer to both establishments winning awards at different times.

Then you say:

"In Polmont there were quality indicators for self-evaluation developed from which we got feedback. In both establishments we run SPS prison surveys at intervals."

Are these new methods of trying to evaluate quality and performance?

A. Both Cornton Vale and Polmont tend to be inspected more regularly than anywhere else, and you get return visits

because there's just more scrutiny around the needs of young people and women.

That is helpful in that it gives you -- it shows the development of progress and certainly when I look at the inspections at the beginning of my time in those establishments and at the end you can see the evolution. It's not perfect, but you can see how things are evolving.

The quality indicators are relatively new and the quality indicators for the young people in Polmont were developed at the time that I was there. We tested the first section of them, particularly around the reception process. We asked young people what they thought about that and it was really surprising actually that they said -- I think the staff were really worried that they would tell us lots of negative things.

Actually a lot of it was really positive and it was really helpful to feed that back to the staff, because the staff were more enthusiastic -- so the few things that were negative, they were more enthusiastic about changing those because they could recognise that they were getting positive feedback on other things that they were doing.

Q. They were getting it from the service user?

A. And they were getting it from the youngsters. That was

helpful and, as I said earlier, we're doing more of that.

The prison surveys are national surveys that have been undertaken -- oh, I don't know, they were certainly being done at the time that I was in Cornton Vale, so 20 years -- a long time. So we do have quite an evidence base, if you like, of an extended period. But one of the things that is specifically asked about is relationships. It's broken down into the staff in your hall, the staff in the activities areas, your NHS staff and these establishments were in the range of 80 to 90 per cent good relationships.

Q. In terms of the more recent use of quality indicators for self-evaluation, I'm getting the impression from your answers that you are a fan of quality indicators as a tool to assist in the process of self-evaluation, or am I overstating the matter?

A. No, that's right. I think I am, so long as they're used properly. I think there's always the risk with these things that it becomes some kind of benchmarking exercise between establishments, and that's not how it should be used --

Q. Like a league table?

A. Not like a league table. It's about the governor and the establishment using that as their own development in

terms of continuous improvement.

Q. Do you find it of assistance if there is published or guidance at least on what the indicators are and how they operate and how they affect grading? Do you think that's a good method of trying to evaluate quality systems, protections?

A. I think you need to be very careful with what you do with the results of that, otherwise it becomes a kind of way almost of kind of punishing people for not doing better.

What it should be is a way of evaluating your performance and then allowing a team to use that as part of their continuous improvement.

I'm not an expert in that area, but the schools had this 'How good is our school?' I think it would be helpful for us to have a 'How good is your prison service?' set. Actually, it would be good to have a How good is your Prison Service? set as well at a corporate level, but it's only one part of an evidence portfolio. You have, as I said earlier, to have a range of different things.

Q. We heard evidence from those that use these systems yesterday that gradings like "satisfactory" and "adequate" are effectively, "Not good enough, must do better, must improve". I don't know from your

perception receiving that sort of system, and we're well aware of a prominent case recently down south about evaluations of schools, which had a very negative effect on a particular individual who felt they were doing a good job. What do you think of marking it in that way?

A. It's not about the gradings, is it? If you take a series of quality indicators that have been designed around the reception process, and you work through them with a group of young people and you get the young people to ask other people what they think, so they're involved in that evaluation process as well and the staff are involved in that, so that they're listening to the feedback that's coming in, it's more about what it tells you about that.

If the youngsters are saying actually we were really cold when we came in, the room that you put us in initially is really sterile and it feels cold and actually that's quite frightening, or what we would really like straight off is we would like a peer supporter there, because it would help us feel more comfortable. Then that's giving you practical information about how to improve.

My own view is a kind of good, bad or indifferent rating, it doesn't mean anything.

Q. Does it trouble you if you have something that might be considered indifferent, would that -- the reaction or the perception of the people that are being graded?
A. I --
Q. You don't think that would have an impact on morale, for example, if the staff were aware of --
A. What I can say to you is that getting a poor inspection report is hugely demoralising for a staff group, and on the occasions when I went to Cornton Vale and Polmont even although for me in some respects it was useful to get a bench line, a kind of baseline rather, of how things in the establishment that could be improved --
Q. Would it be better just to state the areas of strength and areas of weakness and hope that the people that have to look at the assessment can then address the areas of weakness, without being told where they're at at a particular time by an expression such as "adequate", "satisfactory", "not very good" or "poor" or whatever?
A. I think --
Q. I'm just asking if you have any view on that.
A. I haven't thought about it in that depth, Jim. I think the most important thing is getting more detailed information about where that evidence has come from, that's it's robust, that it's triangulated as well.
Q. You as a recipient would certainly want not just to be

told what is weak but why you are being told it's weak, the evidence itself, you want that clearly stated in a report that you would see?

A. It would also be great if people gave you some examples of what they would like to do differently and where some of the solutions might be, but usually we're left to do that bit ourselves.

Q. There is a potential issue about the quality of how these assessments are written and the value they have to the service. They have to have something in them that allows you to make something of the inspection or the assessment?

A. Yes, they're more useful if you have robust information on which they're based.

Q. You are very much a person that says: show me the evidence?

A. Yes, but --

Q. Evidence either of something that is happening already but evidence for something that you think should happen?

A. What is not helpful is if you get reports, regardless of where they come from, that are very subjective, that are not evidence based, that are not triangulated.

For example, sometimes you would get feedback that says all the boys are saying that this is a problem and they hate this or they don't like this or whatever and

you would say, "Okay, have you asked this group of folk? Have you checked whether those services are actually in place or not?" It is important that it's accurate.

Young people generally, their perspective on things is really helpful but sometimes it's a bit mixed, so it's important to check at the same time as young folk are saying this, what are the staff saying, what is the actual factual -- are those services actually being provided or not? So that you have an accurate picture.

LADY SMITH: Sue, I can well understand what you're saying there. Does it follow that if the report says something is good, you still have to, as a professional who cares, look at what it was in terms of evidence that that conclusion was based on?

A. Yes, you want it to be accurate and robust.

LADY SMITH: To go back to your example of what all the boys are saying, and if what all the boys were saying was about the temperature on reception, it was good, we felt warm and welcome, was actually two or three boys saying, that's what everybody thinks, that might not be good enough?

A. Well, yes, absolutely, which is why you need that rich picture of evidence. Depending on how many people you ask and at what time you ask them, but I suppose the inspection reports more generally and the quality

indicators and the prison surveys, so the collective evidence over time will give you an indication of the kind of trends and patterns ... if you're out and about as a governor, which you should be, then the boys will be telling you anyway, as you're going around.

I suppose what you do is you build up a picture based on lots of sources of information and then you evaluate that and you make your own judgement.

LADY SMITH: Something you said quite a bit earlier when you were being asked about quality indicators I was interested in. You say they are a good tool, so long as they're used properly. I think you then commented that what they should be used for is feeding into your continuous improvement programmes.

A. That is my understanding of how they work best and that is certainly my experience of having used them and I know that is how we are using them at the minute.

LADY SMITH: That means using not just the poor quality marks, but the good quality marks as well to keep asking yourself whether you are achieving that, what was the evidence on which it was based and perhaps how you can do it even better?

A. I think that's right. I also think it's as much about the process as asking the questions, because if you create a process where staff and prisoners whether

that's in Shotts at the minute with adult prisoners or whether it's in Polmont with young people, the fact that you are doing that together and there's a purpose in it and the young people feel involved, just doing that together is probably as effective in some respects as getting the results, if that makes sense.

LADY SMITH: Yes, yes.

MR PEOPLES: I'm just interested in something you say in paragraph 21, page 6. There you are talking about the numbers of people that staff have to cope with, the type of prisoners and where they should be kept. You say at one point:

"If staff are seen to be coping with high numbers, which they were [this was in Cornton Vale], it's not also a good idea for them to be dealing with all different types of prisoners in the same area, I mean remand prisoners along with short term and long term and young people all in the same block can be very complex and difficult. We went through a process of redistributing and over time refurbishment of the units."

You give us an example that young people were put into a block called Skye so that we could focus on them and their needs.

What is the point that you're making there in terms

of the distribution within a closed environment?

A. In Cornton Vale there were five blocks, when I arrived there the numbers were very high, so the establishment was under quite a lot of pressure and actually in my time there we built another block, called Wallace block, in order to kind of better accommodate the women.

But if you're a member of staff in one of the blocks in Cornton Vale, different population groups have different needs and requirements, so remand prisoners for example can get more items in use than sentenced prisoners.

Young people, there are particular requirements for them in terms of access to social work and education. So if you have lots of different types of individuals that have different types of needs, you are trying to keep all that in your head and supply all of that and it makes the regime very complicated. If at the same time you are also putting the staff under pressure by increasing numbers, so they have two people in a room instead of one person in a room, that just adds to not just the volume of work, but the pressure.

One of the things that we did very early on in my time there was we redistributed the population, so that even though the staff were coping with high numbers, each of the blocks had ideally one type of prisoner, but

at most two. Then we moved the young people into a separate block on on their own, so that the staff could focus on one type of regime.

Q. That was a recognition that people in detention are not a homogenous group?

A. Absolutely, I mean even within the remand population every individual is an individual.

Q. There is also that. They are not just a group, they are all --

A. Individuals.

Q. Each one is an individual, with their own particular needs and circumstances?

A. Yes.

Q. What is maybe concerning is that before you made these changes they were very much treated as a homogenous group, in some respects?

A. I don't think that's necessarily the case. I think people were trying to make sure that different groups with different feeds had those needs met, but the fact -- the young people, the blocks in Cornton Vale at that time could be divided up into lots of different areas, so the young people wouldn't be in with everybody else, they would be in their own bit, but nevertheless the staff for that block were coping with all ...

In actual fact it's the opposite, the staff were

trying to make sure the different groups all had their different needs met, but it was proving very overwhelming for them to do that, because the numbers were increasing.

Q. Given if you put different types together, are these conditions in which abuse can and does occur?

A. I don't think it's so much the different types. I think it's more that if you have a staff group at any time who are under pressure, then their ability to spend enough time supervising people and particularly to have people out and about in association, which is healthy, is more limited.

It's more about the pressure on the staff group and their ability to then manage things, so --

Q. If they're under pressure then they have less opportunity to manage in a way that will prevent or reduce abuse, for example?

A. Yes, that would be the case, yes.

Q. In paragraph 22 you mention a redistribution example, where you put a certain group of women, including young people, into a particular house, Ross House or block, with the most serious mental health difficulties and put in nursing support?

A. Yes.

Q. Was that some attempt to identify that there was

a particular group that had special or particular needs and needed a particular response?

A. Yes. Ross House at the time I was there was the newest block, at least before we built Wallace. So it was the best accommodation that we had available and it had the highest staffing level. Those things were important in and of themselves.

Then we put nursing staff in so there was always a nurse around, particularly during the day time, partly because that was helpful in terms of the mental health issues, but also because culturally then the prison staff learnt from the nursing staff, the nursing staff learnt from the prison staff and again they were in it together. It created better relationships between the prison staff and the nursing team, so that was also --

Q. Were these nurses employed by the service at that time or -- I think the NHS took over healthcare in 2011 to provide staff for SPS establishments, so I think it's around that time. Do you know whether they came from --

A. I think in my time in Cornton Vale they were NHS. I'm pretty sure that was the case.

Q. So far as the nurses themselves were concerned, did they have any specialist mental health qualifications?

A. Yes. Within the nursing complement we would have had nurses who were general practice nurses and also mental

health nurses. One of the things that we did with our healthcare manager at that time was we rebalanced the complement, because we wanted more mental health practitioners.

Now I'm thinking about that, I'm thinking that transition to the NHS was around that time or later, slightly later.

Q. What you do say is that making this change significantly reduced the incidence of self-harming, was that something that became obvious?

A. It cut it by about half. It reduced it more significantly than I would ever have contemplated to be honest, but, yes, it did.

Q. What you are describing there, am I right in thinking this isn't just a case of finding a block for a particular group, putting them together and not actively giving them appropriate support, this was a very different model, you were trying to provide active support in a variety of ways?

A. Yes. It's much easier -- if you have an establishment where you have very vulnerable people kind of distributed all over the place, it's much more difficult to get a thematic focus on particular issues. If you concentrate people together, in some respects you might think that's a bad thing, but if they're in together and

you have the right resources and support, particularly multi-disciplinary support around that.

We started adding in occupational health. We had therapy dogs turning up in that area. Actually we use them everywhere, but they were particularly useful in that area. You could focus particular resources and support around the needs of that more vulnerable group, and it was effective in that setting.

Q. In paragraph 23 you go on to say -- you have mentioned this already -- there was quite a significant refurbishment at Polmont in your time, but you also say this, that when you arrived at Polmont initially the focus was on industrial training, but you also introduced a wider range of activity and you mention parenting area, life skills areas, a theatre complex, radio station, employability area, hairdressing, craft activities and other what you have described as life skills. Partly to help the people no doubt to be involved in some meaningful activity, but also to give them some sort of capability when they left the environment?

A. Yes. There is a bit of me thinks schools would get on better actually if they had that profile of activity, certainly for the first year of coming into high school.

The strategy that we developed around the learning

environment was based actually around curriculum for excellence. There are four key capacities, and I can't remember them all now, but responsible citizen, I can't remember, but there's four of them. A lot of that is much more actually about softer skills.

The things that these kids lack, you have to actually start from a position not just about educating them, but getting them ready to be educated, because their experience of education outside has been rubbish. They don't want to engage. Some of them are not capable of engaging because they find it difficult to get up in the morning, far less sit in a class setting. So I suppose intuitively I wanted things that were much more around softer relationship skills in various different forms, but also in settings where they would feel more comfortable.

We set up lots of these different areas and we based it on what the young people said they wanted, but also in the industrial training areas that we kept, like the joinery workshop and the forklift truck area and the plumbers, we introduced teachers, so instead of having an education area where there were lots of classrooms -- well we still had that, but we took the teachers out of that and said go into the joiners, because when they're building things you can also run their basic numeracy

qualification, because they'll have to measure bits of wood so just do it in there.

In the Dogs Trust area we put the teacher in there, because while they were doing that they could be learning about personal hygiene, animal care and getting other kinds of qualifications. So it was kind of learning by stealth in a way, but I suppose --

Q. Did it work?

A. I think it worked. I do think it worked. The current role that I'm in, we're just about to re-evaluate -- we are working with Education Scotland to develop a new learning and skills strategy for the whole prison estate. Then we'll re-tender our education contract. I think actually a lot of the adults would benefit from this kind of model as well, slightly different, and attuned to again age appropriate, but nevertheless would benefit from a lot of this and a lot of governors are also developing in these areas as well.

Q. You say it's creating a learning environment and no doubt that means there is a greater focus on education, but it sounds like it's a greater focus on education in the widest sense, not just the rather basic things, although you explained how these would be taught, like numeracy or literacy, they to some extent are being taught perhaps maybe in a way that they don't recognise

and therefore it's easier to teach, is that what --

A. Yes, I think so. I would need to be absolutely upfront and say that working with the young people, one of the key issues is about getting them to engage. You touched on that earlier and that certainly came out in the inspection reports, that we had these profile activities and it was great and young people were engaging, but not as many as we wanted to engage were there.

We set up also what we call the inclusion area, with two inclusion officers, to work with those who were most acutely excluded, for whatever reason. We put youth workers into the halls, we put a teacher in the halls, so you were grabbing them by the collar and saying, "Come and do this". Whereas a hands-up volunteer approach doesn't work with this group of youngsters, you have to go get them.

Q. You have a section "Other relevant documents", if I can move on to that. This is related to two distinct groups, I suppose, the young persons and women, including young women. You have a section about this and you start at paragraph 25 by saying:

"Now we have much more trauma-informed and gender-specific practice for women, which is probably informed more generally by the women's rights movement and understanding of the pathways into offending."

That is built on the work of these various reports you mentioned earlier, that examined that, including the Corston Report and others?

A. Yes, and healthcare publications as well.

Q. You do say that this is a fairly new approach and there are currently two documents which are working in tandem with each other, is that right? The two documents you are mentioning are what you call the 'Strategy for the Management of Women in Custody' and the second is in paragraph 26 on page 8, which is the 'Young People's Vision'.

If I could just ask you a little bit about that. As far as the strategy is concerned, are you referring there to the strategy for the period 2021 to 2025? I think there is such a document, because I think I managed to find one.

A. So there is the 'Young People's Vision'.

Q. I will come to that one, but just the other one --

LADY SMITH: It's the one that is mentioned in paragraph 25, right at the top of the screen.

A. The 'Strategy for the Management of Women in Custody'?

LADY SMITH: Yes.

A. I can't remember the dates.

LADY SMITH: It pre-dated the opening of Stirling.

A. Yes, that is it.

MR PEOPLES: Does it look like this.
A. It does look like that.
Q. It does seem to say 'Strategy for Women in Custody: 2021 to 2025'. So that's --
A. That's the one I am referring to.
Q. Then I think 'The Vision for Young People in Custody', seems to be 2021, although I think that's the latest version, it looks like that?
A. It also looks like that.
Q. They are working together and one is a revised version of an earlier vision, and the other one is a completely new document?
A. Yes.
LADY SMITH: The date for the 'Young People's Vision' is the single date 2021, is it?
MR PEOPLES: For the latest version, which I think is January 2021 or something like that.
A. Yes, we did a rework of it, yes.
Q. These are the documents you are telling us about and just going to the strategy document, the strategy document is concerned with management of women in custody. That will presumably include young women, under 18, insofar as they still -- they're still --
A. Yes, that is why the two documents have to work together, because you obviously have young women, who

are women.

Q. I would be right in thinking that it contains the following statement:

"The strategy is founded on the principle that all aspects of the care of women in custody should be designed for women and take account of their likely experience of trauma and adversities and is a gender-specific and trauma-informed approach."

I think that is a straight lift from the strategy?

A. Yes, that is at the heart of it.

Q. I suppose the obvious question is: what does that mean in practice? It's probably quite a big question, but it's an obvious one to ask. You can put words down and they read really well and principles sound great.

A. Okay.

Gender-specific, trauma-informed, the gender-specific work will have been based around all of the kind of evidence base, including all of the different reports that we've talked about, in terms of what works for women and feminist practice, but also based around evidence from organisations like Women's Aid and about the background experience of women in society, the difficulties they face, their pathways into offending. We have developed specific training for staff about working with women, which is based around

all of those requirements.

That's what we mean by working with women. In terms of being trauma-informed and excuse me for just referring to what I've written down here, because I was explaining that I've asked my clinical and forensic psychology colleagues who are working with us on becoming a trauma-informed organisation to give me a definition of what it is they think they mean by that.

I think what it comes down to, or the way I think about it, is that when people have been subjected to really difficult events in their lives it has an impact on their neurological response, their biological response, so how you respond to stress and the impact that that has, how that plays out in terms of your behaviour.

Trauma-informed practice is really about understanding all of that and what might trigger difficult behaviours in the future.

It's also about educating your staff group so that they (a) understand that and (b) are in a position to adapt the practice so that it helps people who have been subjected to trauma to be more in control of their own circumstances and to be more resilient in the future.

I know that sounds complicated, but the best example I can give you of that is that when I was governor of

Edinburgh we had a lady who at night-time, when we were going round locking up the hall, always became extremely distressed and very agitated and physically quite difficult and found that process very difficult. What became apparent when we explored that, was that she had a background of being abused by a family member, always at the point at which -- so the idea that someone would say to you, it's time to go to your room now, it was an automatic trigger for her, because that's what the person who abused her always said to her at that particular time of night.

Helping the staff to understand that that was a potential trigger, that this was why -- she wasn't just becoming distressed and difficult with them because she didn't like them, she was doing it because there were really significant issues, she was getting flashbacks about what had happened to her. Then talking that through with her, with various different professionals and working out a plan for how we would do this in a way that she felt more comfortable with and could cope with.

Does that make sense? That's how it kind of plays out.

LADY SMITH: Yes.

As you may appreciate, Sue, we have done a lot of

work within the Inquiry on trauma-informed practice. The fundamental principles that we seek to always adhere to are collaboration, choice, empowerment, trust and safety. I suppose what you've just explained is an example of trying to find ways of giving that to somebody who actually you have to control, but they still have to feel that they have some power, some choice and you learn what might further traumatise them, which is what you always want to avoid if you possibly can when you are dealing with somebody who has a traumatised background.

A. Yes.

LADY SMITH: Yes.

Is that a point at which we could break for lunch? I'll rise now and sit again at 2 o'clock.

Thank you.

(1.02 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Welcome back.

Sue, are you ready for us to carry on?

A. Yes.

LADY SMITH: Thank you.

Mr Peoples.

MR PEOPLES: Good afternoon.

Before lunch we had been talking about trauma informed and what that meant, I may come back to that. There are a few things you say in your statement later on, but I'll not deal with it just now, but we have your explanation of that already.

One thing, just going back to page 8 of your statement, paragraph 26, when you are discussing the vision for young people in custody. I'm not going to go through that, you have explained that is one of the key current strategic documents relating to young people.

You do say at the end of that paragraph:

"It's not just about the services we provide, it's about what the young people think about the services provided and they could be improved. This approach is quite different from our historical approach."

That is quite a fundamental approach, is it, to take into account the perceptions, thoughts, feelings and views of the prison population that are detained?

A. Yes. It's an evolving position. We don't do it everywhere, as I've said. At the minute -- we have user voice actually across the service on lots of different issues, but the quality indicators are only being used in specific places just now.

Q. This approach is relatively new, in terms of if we were trying to take a sweep of the position, even from when

you started with the service in the 1980s. This is a much more recent approach --

A. It's evolved over time, but yes.

Q. If I could move on, I may miss out some bits because I think we've covered some of the things you have given us, but we have the whole statement and we'll consider it all.

The next bit I would like to take you to is a section headed "Accommodation currently for females under 18", and just to take a few things from there, page 9 of the statement, starting at paragraph 30. You say:

"All women sentenced in Scotland in the past were admitted to Cornton Vale and are now admitted to HMP Stirling. The staff at Stirling are responsible for their assessment and then putting them into a suitable establishment."

You go on to say:

"Young females and the most vulnerable females will remain at Stirling."

When you talk about "vulnerable females" as a class, are young women under 18 in that class or are they in the class of young females or both?

A. They can be both. In fairness to the court system, they put a lot of effort into trying to keep young people

generally and young women -- women in particular, but young women in particular, out of the system. So if they are young women who have ended up with us it is generally because they are at the most acute end in terms of their behaviour and also their needs and vulnerability.

There are also so few of them that keeping them together as a distinct group again as I said earlier, means that you can focus particular services on them.

Q. You say that obviously at the moment the likelihood is if you had a young woman under 18 who had been convicted and was being placed she would probably go to Stirling but she could go to Grampian, is that correct?

A. Yes, that's right.

Q. Why would she go to Grampian?

A. Just because of the courts' admission process and the distances really, but there is a separate women's facility in Grampian, which is a new establishment, so it's a relatively new -- it's been open since Grampian opened, but in terms of building design it's a relatively modern establishment.

Q. Is it nearer in design to Stirling than Cornton Vale?

A. Oh, yes, definitely.

LADY SMITH: Can you remind me where it is?

A. It's in Peterhead.

LADY SMITH: Yes, of course.
MR PEOPLES: Is it part of the complex, the new complex at Peterhead for all? It's not part --
A. No, no, so the new -- the old Peterhead prison sits right next to HMP Grampian, and the women's facility is within HMP Grampian, but it's a separate block.
Q. Peterhead prison, that label has been dropped, has it, for HMP Grampian?
A. Yes, although I also did work in Peterhead prison in my career, but not in Grampian.
Q. Sometimes a change in name might be beneficial if it has bad memories for some.
A. Yes.
Q. I'll pass on some of the succeeding paragraphs, because I think you have told us quite a lot about them.

Maybe just pausing, at one point you say that your original thinking was that as soon -- this is paragraph 32, page 10. When one of the young people turned 21 they would be moved quickly to an adult prison, but I think your views have changed. Is that in light of what you told us earlier today about the emerging evidence about brain development and other factors, that a 25-year-old might be just as vulnerable as a 21-year-old or indeed a 16-year-old?
A. Yes, that's correct. It's about brain development and

maturation. I should say that young people aged 18 to 21, and up to 21, are admitted to Polmont and then we can keep them up to their 23rd birthday, but there are young people aged 21 who are admitted direct by courts to other establishments, so just to be clear about that.

Q. You have a section which I would like to ask a little, mixing children and adults. Children in this context mean under 18 and adults presumably is anyone over 18?

A. I talk about children being 16 and 17, young people being 18 to 21 and then everybody else is adult population.

Q. You tell us about Stirling, the new prison, you say although it will also take women over 21, they would be housed in different accommodation areas to those who are under 21, I take it?

A. Yes. The children are housed separately, but -- the children and the young women are housed separately, because that's critical to meet the prison rules, but they do mix during the day on the basis of an individual assessment about whether or not that is appropriate.

Q. Just to follow that up, if we have the case of a 17-year-old young woman in Stirling, she would be in a part of Stirling that would only house those up to the age of 21, or would she be housed in a part that only takes those up to 18?

A. She would be housed separately as a child, but would mix at other times with others. The difficulty of that is sometimes there are occasions where there is only one individual and then that can become really quite isolating, but that's the rules. So the children are separately accommodated.

Q. When you say that a child would mix, do you mean mix not just with the young person between 18 and 21, but might mix with --

A. During the day, yes, all of them.

Q. It would be a mix of the whole range --

A. Yes.

Q. -- of the population?

A. Yes, that's right.

Q. When you say they mix, how does that arise, they mix through activities?

A. Yes.

Q. In programmes?

A. In the activity areas --

Q. Leisure?

A. -- in programmes, leisure, the gymnasium, in the visit area, yes.

Q. Of course you say it all depends on circumstances. You'll look at the individual and see whether they would be suitable for mixing, if you like?

A. For mixing?
Q. In the broad sense?
A. Yes.
Q. It seems from what you say in paragraph 34, page 10, that you say halfway down:

"In theory it sounds like the right thing to do not to have young people in contact with adults, but in practice in terms of the prison regime it's really bad for them."

You seem to believe that it's important so far as possible to have mixing of different groups?
A. Yes, I do. I think it is normal. I mean children and young people in society mix with older folk. It needs to be properly assessed so that you're meeting the best interests of the child in all circumstances and we would apply that to the young people as well as to the children, but as a practical example of that in Polmont, and I talk about this. In Polmont when I went there, the children and young people were -- the children, I should say, because we're talking about the boys now, the children were separately accommodated, which is right in terms of the rules, but what that meant was at that time that they could -- they were in one accommodation area, they went to the visits area on their own and there was one activity area that was

allocated for them.

You've seen the suite of different activity possibilities that we have and we developed. It's much better for them to be able to mix and have much more choice, particularly in terms of trauma-informed practice, so more choice, more opportunity, more ability to develop relationships, more exposure to the staff group. It's much, much better for them and actually I think quite damaging to have one individual sometimes on their own.

Q. You don't usually have children's communities in society that are exclusively children --

A. Exactly.

Q. -- you have a mix?

A. You have a mix. As in all things, it has to be carefully managed. They have to be properly supervised, but in my experience it works and I think it's much better.

Q. I think in paragraph 36, page 11, just to round this off, you do say that having adult women around for the younger women can be quite a settling factor for the younger women and a calming influence, but, as you say, it has to be managed carefully but it's much better for the young people to be able to mix, having a very constrained lifestyle is not healthy.

I think "healthy" could also mean "normal", it's not normal to have that sort of lifestyle where you only mix with children?

A. Yes. You do have to be careful about it. Also I shouldn't be stereotypical and just talking about them mothering them, but they can be really good influences in all sorts of other ways, in terms of peer support and just talking through the development activity, their own experiences in life, but it has to be carefully managed, it has to be properly assessed but, yes, in my experience it is a good thing.

Q. You have a section headed "Change to the process in Polmont and Cornton Vale to reduce bullying and violence", I think we covered quite a lot of that this morning, so I don't plan to go back over all that you say there. We have it there to read and I think it echoes some of the things you say there.

Maybe just one point about paragraph 39. You told us about Ross House and what happened in that regard. You mention that you also established something called the Links Centre, which centred around case management and interaction with partner agencies. I wasn't quite sure exactly what happened within the centre and who was involved in what happened within the centre.

A. It was quite a large area, probably about half the size

of this room. When I went to Cornton Vale it was full of sewing machines and it was used to make soft toys, which was very traditional.

We converted the room so that around the sides of the room there were small almost interview-type cubicles, that had glass fronts and the centre of the room there were tables and soft chairs. At the back of it there was a separate room where the case management staff had all their files and opportunities, so essentially that was where we ran our induction process, so new people coming in would go through an induction course. All the different agencies, like Citizens Advice and housing agencies, benefit agencies, they would all occupy the office-type spaces around the edge, so there would be lots of opportunities for people to get support from different agencies.

It kind of functioned as a kind of a hub, where all these different agencies were able to interact with each other and you could get a really good rounded understanding of each of the individual women who came in.

Q. I suppose we forget these women have families, they've got people on the outside?

A. Of course.

Q. There is continuing responsibilities that have to be

met, housing, whatever, and you would need to have some continuity and some access to these services to resolve things that were going on on the outside, as well as the inside?

A. Yes. It's more settling for individuals who come into custody if some of these things can be resolved quickly, if they're worried about things.

Q. At paragraph 42 you sum up the aim of the various measures you have described to us today:

"It's all about creating an environment in which people feel safe, valued and listened to, the staff must also be well trained, understand the issues and feel productive. It's also important that there are different environments where people can get to know one another."

That is what you have just been telling us, that you want the mix as well, to try to some extent make the inside as equivalent to the outside as you can, given there are differences obviously?

A. Of course, yes.

Q. On page 13 you tell us a bit more about the whole systems approach, multi-disciplinary team approach, collaborations, use of specialist advice and so forth. I think these are all things you told us about this morning, about what you tried to achieve in your time at

Polmont and indeed to some extent at Cornton Vale you were also doing these things.

I suppose though we always have to keep in mind what you say at 44:

"As a prison governor you also have to be constantly balancing their needs [young people's or whichever group] with the risk they represent to others."

That is presumably always in your mind?

A. Yes. Certainly almost all of the boys are in on quite serious violent offences and, increasingly, when I was governor of Cornton Vale you would still get women coming in on less -- breach-of-peace-type offences that were perhaps less difficult, but nowadays again most of the women are in on quite serious violent offences, so, yes, it's a challenge --

Q. Does a lot of risk assessment go on continuously, not just on admission?

A. It depends on the length of sentence that you are doing, but there is a risk assessment called -- it's called LSCMI, which is the level of service case management inventory. I can't tell you much about the detail of that, but it's administered by our social work partners and we use that along with various different psychological risk assessments for specific offending types, so remand and short term would not be getting

that, really it's four years and over --

Q. They wouldn't be getting that rather rigorous risk assessment process, but would they get any form of risk assessment on admission if they're remand or short term?

A. No, it's more about assessment of needs for those populations, so --

Q. Not assessment of danger to others?

A. No, it's not assessment of kind of danger in that sense, no --

Q. Although you might assess any group in relation to suicide risk clearly, any person being admitted whether on remand, short sentence or long --

A. There would be an assessment of their needs as part of the process of coming in. They would be seen by a nurse in reception, usually a mental health nurse, as part of the admission process.

Q. The mental health needs are at least assessed in the beginning, but if for example they are assessed as not presenting some risk that would require adoption of the TTM strategy, that can change if something is observed or something is said or it should change. There should be a further assessment or further consideration, is that right?

A. Yes. Anybody at any time can refer themselves to the nursing services for support, ask to see the doctor or

put in a referral themselves, but the Talk To Me strategy is -- we train everybody in that, including our partner organisations, so it's very clear in that that it's everybody's responsibility and if you come across anybody in our care who you feel you are concerned about, then you have to initiate that process.

Q. Can a concerned parent initiate the process by speaking to staff?

A. There are various different ways in which they can contact the establishment and raise concerns, and that's one of the issues that we're trying to strengthen in terms of the death in custody work.

Q. I don't want to go to specifics, but I am thinking of a situation if someone visits a child, their own child, and they have concerns and just suppose hypothetically they raise them, either once or repeatedly, with prison staff for example, are you saying that that ought to prompt some kind of further assessment and action if appropriate?

A. Yes, I would expect if any member of staff receives information from a family member to say that they're concerned, that that Talk To Me process is initiated. I would expect if there was an officer in the visits I would expect them to be talking to the first-line manager to say: this family member has told me that

they're concerned about this individual and that would initiate consideration.

Q. If you are talking about people who know the person, a parent may know better than anyone what the person is like --

A. Of course.

Q. -- and whether there are signs that require attention?

A. Yes.

Q. Which may not be as obvious to someone who doesn't know that person?

A. Yes, that's right. We are, as I said, trying to strengthen those procedures. What we want to do is to put almost a kind of red phone hotline in into each establishment for 24-hour cover, so that family members can phone in direct and always get someone on the phone.

LADY SMITH: Sue, you said you would expect in the hypothetical situation that Mr Peoples put to you the Talk To Me process to be initiated. In practical terms, what would that mean? I'm thinking when, how, how quickly.

A. Immediately. You would expect -- if someone has raised concerns about an individual, you would expect the member of staff to be speaking ... if it was in the visits area, I would expect them to speak to the visits first-line manager immediately and for them to arrange

for the individual to be supervised until such time as they were back in their accommodation area and the first-line manager in that area then initiates the process.

LADY SMITH: Thank you.

Mr Peoples.

MR PEOPLES: Can I pass on then to another heading, towards the foot of page 13, "Community custody units". This is a very recent development, although I think it had its origins perhaps in Michael Matheson as Cabinet Secretary for Justice in about 2015. I think that is when they decide to abandon the idea of a large Inverclyde prison for women, to move towards a smaller differently designed unit like Stirling --

A. Yes.

Q. -- but there was also an idea of having a small community custody unit or something of that description, was that all kind of being discussed?

A. Yes, it was all part of the process --

Q. That may have also been the sort of general recommendations in some of the earlier reports about having smaller units generally speaking. I don't want to take you to chapter and verse, but I think there will be some that will have thought that that was the proper direction of travel?

A. Yes, I guess so. I think certainly the intention of them is to make sure there is a closer engagement with the community and that also generally speaking managing people in smaller, more community-orientated facilities again is about better relationships and living standards.

Q. Two units have opened up and opened up last year, Lilias and Bella, one in Glasgow, in Maryhill I think, Lilias, and Bella is in Dundee --

A. Hilltown.

Q. Hilltown in Dundee.

You tell us a little bit about that. They are used currently for women?

A. Yes, that's right.

Q. They're not used currently for young women, are they, or is that the case?

A. The intention is that children, 16 to 17-year-olds, will not go to the CCUs. That's partly because there are so few of them and partly because we think it is appropriate that they are retained in Stirling, where we have more specialist resource around them. Also because we hope they won't be there much longer anyway.

It is possible for young women aged in the 18 to 21 group to go to the CCUs and we can designate -- under the rules you have to designate a specific facility for

young people, so we could designate a room in one of the areas as the young people's facility, if you like, in the CCU.

Q. So it would be easy to designate? It's not that difficult, it's not involving major structural change?

A. No. There is a legal process that you have to go through for designation, but it doesn't take that long.

Q. I'm not going to go through all of the details in 13 and 14, because you have told us quite a lot about this this morning. What I wanted to just get from you, because you did say this morning quite frankly that Polmont, you may have done a lot to change it in its appearance and layout internally, but it was still an institution and looked for all the world like a prison, probably to many people, or many people's idea of what a prison should or would look like.

Can you help me, can you tell me, describe in a few sentences HMP Stirling and how it differs from a traditional prison or indeed a young offenders like Polmont, what are the big differences?

A. The accommodation is designed to be -- there are a number of blocks, almost in a horseshoe shape and then the activities area is in the middle. The way the grounds is structured is much more relaxed. There is much more garden-type space. There is more light in the

buildings. There's more opportunity to almost see outside of the prison. The fence doesn't -- it is a fence, but it doesn't look as institutional.

The facilities inside the blocks are smaller accommodation areas, so they're grouped differently. All the rooms look out on to -- there is almost a view, so you can see out of your room into grounds at the back of your room, but when you come out of your room you come out into a communal space.

There is more opportunities for you to -- there is a central dining area, but there is also opportunities for some women to dine in their accommodation areas, depending upon where they are in terms of their journey and their own life skills.

It's just the design, the decor is much more modern.

Q. Would it look more like a student campus?

A. Definitely.

Q. I'm not trying to say identically, and obviously there are differences --

A. Arguably better than. It has much more of that kind of feel to it.

Q. I take it that community custody units are small units, but are they intended to look more like a family-home-type environment?

A. Yes. Similar design concepts in some ways to

HMP Stirling, but really they look like -- the Dundee one is slightly smaller. I think it has about 16 places and the Glasgow one has 24/25, but they are effectively like semi-detached houses really, again around a garden area and there's a family visit section that has a children's playground and --

Q. Are they purpose built from scratch?

A. Yes.

Q. They are not using a building that was used --

A. No, no, it's specifically designed.

Q. -- for a different purpose.

As you say at paragraph 49, page 14, in terms of the group that are of direct relevance to this Inquiry, as recommended by The Promise and indeed earlier reports as I think we saw, is to get 16 and 17-year-olds out of prison and into different facilities.

I suppose there will still be a need for some young people to be in secure conditions, but the current policy or aim of the service -- I think it's endorsed by the current Government's commitments -- is to get children out of the prison system?

A. Yes, that's absolutely right.

I think what I would want to say and I know I cover it later in my statement, is that I really worry about -- I worry about the boys, because there's more of

them and because they cause generally speaking more damage, but also it worries me that people will think that's a job done. 16 and 17-year-olds aren't in custody, that's fine.

The 18 to 21-year-olds are just as vulnerable as the 16 and 17-year-olds in my view, and it's a personal view, not a corporate view. We should be undertaking the same kind of broad consideration with stakeholders and Government about what kind of model of custody should exist for young men and what would it look like.

It might look like Stirling and CCUs, it might be quite different, because boys' gender-specific needs are different, but we ought to be doing that --

Q. But that exercise of research has not been done in the same way as it was to develop Stirling and the CCUs?

A. No, it's not been done. It would be a Government-led issue.

Q. If we're talking of secure conditions, this isn't really for you to worry about if they are taken out, the young children, but some children will have to go somewhere else. If you take them out of one environment you have to put them into something else if that's required. I suppose we do know at the moment that there are some secure services in Scotland, but not a large number and one's just closed?

A. Yes. The way in which we have contributed to that is we have been engaged with Government and the secure unit facilities. I know the current governor of Polmont has been quite actively engaged with secure units, he has been to visit them, they have been to visit Polmont, and from a policy perspective we have had people involved in the groups that are doing the design.

We have gathered quite a lot of case study information to feed into those groups about the difficulties the children who come to us face, because they are at the more acute end of things and it is important that the secure units, if they're going to take them on, understand that they have maybe a different set of needs that they're going to have to accommodate and resource. We have provided quite detailed information about that to encourage discussion about the services they'll need to create.

Q. Page 15, the heading "Community custody units for males" and I think you tell us that certainly at the moment there are currently no plans to have CCUs for males, but you have explained that that might not be the right model, depending on the research and the needs and so forth, but was it originally envisaged that males or perhaps young males might end up in such units, or was that never the --

A. No, Stirling and the CCUs were always part of a specific programme about creating a new model of custody for women. What I would argue is that we should have the same kind of debate and resourcing if necessary to create a new model of custody for young men.

Q. That is what you say in paragraph 51, I think?

A. Yes.

Q. Are you saying that at the moment that discussion is yet to take place?

A. That's right, it's not happened.

LADY SMITH: Was it easier to do for women because there are so many fewer of them?

A. I think in some respects, yes.

In some respects, I think it's just politically perhaps more palatable. The young men aged 18 to 21 have committed very difficult violent offences. There is no getting away from that, but they are also -- we now know that they are not mature and all the difficulties they face.

For me the two key issues are.

What are we doing with little boys in society much earlier, so they don't get in that position and commit those offences?

Secondly, I think we have a responsibility not to put immature 18-year-olds in a situation where they are

being treated as adults and potentially mixing with quite sophisticated 20 and 30-year-olds.

Q. Moving on, you have the section "Current approach for boys under 18". I think you have told us this morning that they would be in Polmont at the moment?

A. Yes, they would.

Q. There would be four in Polmont, out of the five that you told us about. One is in Stirling so that's presumably not in this category?

A. Yes.

Q. You tell us, do you not, at paragraph 53, pages 15/16, that they also mix with older --

A. Yes, they do. They're accommodated separately, but they mix during the day.

Q. But because it's a young offenders institution they are only going to mix with people up to a certain age. It could be up to 23, could it?

A. It could be up to 23, but those that are between 21 and 23 would have been selected to stay, otherwise we would have moved them to the adult system.

Q. That is the age span that they would be mixing with, they wouldn't be mixing with the whole population?

A. They would be mixing with that group of boys, so the older adult boys, if you like, in activities.

They would also see adult women around and about the

place, because there are women there, but they wouldn't mix directly in activities with them. You would see other -- the boys would see the women moving about the place and they would be in the activity areas at the same time, but a group of boys might be in the parenting area and a group of women might be in the joinery area.

Q. There is no real engagement between them?

A. The 16 and 17-year-old boys would be mixing with the 18 to 21-year-old boys in activities. They would see the women about, but they wouldn't directly be involved.

Q. Arguably on your view of things, that's not as healthy as the situation where you can mix with people of all ages, if it's appropriate to do so?

A. If it's appropriate to do so, yeah.

Q. I think on page 16 you are to some extent making the point that you feel that there is a need for a different approach towards how young people are managing. In that you mean both young men and young -- young women we know there have been changes, but you want to see these changes rolled out to young men as well?

A. Yes.

Q. Indeed you want to go further, I think in paragraph 55, this is a personal view, but I don't know if it's a service view:

"We are trying to move towards having

a trauma-informed approach towards the management of all male offenders, including young male offenders."

Is that the SPS policy as well?

A. Yes, it is.

Our new corporate plan, which has just been published, has a purpose statement in it which talks about us developing services which are person centred, trauma-informed, inclusive and rights based, that is our kind of purposeful existence. The Chief Executive has been very clear in her foreword for the corporate plan that everything we do really is about relationships. If the relationship between an individual in our care and prison staff is right then everything else is right. If that doesn't work well, then all sorts of difficulties arise. That is a core component of what we do.

LADY SMITH: Sue, you say that's a new corporate plan, is that 2023?

A. It's just been published, so, yes.

LADY SMITH: It sounds like it.

A. For a five-year period. I should know that. We are moving towards becoming a trauma-informed organisation which is not just about services we provide to individuals in our care. It's about everything we do. It's how we procure services, it's about our HR supports, it's about where we choose to invest our

money. It's everything.

Q. You mentioned this this morning and we haven't really touched on it, other than you mention research in relation to the impact of bereavement for young -- particularly I think young men in their early life. What are you saying there, is it maybe something that hasn't been properly understood and appreciated and factored into the management of these young men?

A. I think bereavement is a really critical issue. Nina Vaswani's work -- if you have not already had sight of that, then I would look at her work.

I think -- for the young women as well as for the young men, but maybe it's more stark with the young men, you very often see their offending trajectory kicking off, so if you backtrack and look at what happened to them in their life, very often there is a bereavement or a series of bereavements. The bereavements in their life are often much more complex, so there is a succession of them, they're early life events or because of the poverty they live in, a lot of their families don't have good health. I have given a kind of example, it's not a real example if you like, but you would often get stories like that, where there has been at least one violent incident and then really significant caregivers have died and the boys

particularly don't -- they're not able to talk about these things maybe in the way in which girls are socialised to do, and it becomes much more complicated for them.

LADY SMITH: Sue, did I pick you up earlier as using the term "bereavement" in relation to how both the young person in custody will feel and the family will feel when they are separated from each other?

A. Bereavement really is -- we ran training for staff in Polmont on bereavement, trauma and loss and really any form of loss causes a grief reaction that is really a form of bereavement, so if you're divorced, if someone in your family dies, if you are separated, there is a similar type of grief reaction and of course for youngsters who come in, these things are often combined.

It's also very difficult if they are in custody and a family member in the community dies, because normally -- if someone in my family passed away you would be able to get together and you would work your way through that with the kind of traditions that we have. It's much more difficult to do that if you are separated from everybody.

There are all sorts of issues around that, but I do think bereavement is a really significant issue and sometimes the boys would tell you that they were in

school and -- one of the teachers knew they'd had a bereavement, so they would say to them, "I'm really sorry. Are you okay?" Someone would come and ask them if they were okay, and they would say, "Yes, I'm fine", because that's what boys do, because they don't really like to talk about it and it's all too painful anyway. But what he said was, nobody ever came back, nobody ever asked me again about that. You have to be really persistent actually and anniversaries of bereavements are significant as well in terms of vulnerability.

MR PEOPLES: Did you find when you were in Polmont boys who had experienced bereavement, not from being separated from their family through being sentenced, that they did talk in those terms to some extent?

A. Yes, they would talk. It was clearly very painful for them. That's why we introduced the specific bereavement counselling service with Barnardo's, and we got very high levels of uptake for that.

Q. That was really an add on to the youth team workers --

A. Yes, that was an extension of -- yes, that was separately funded, it was an extension of the youth. It just so happened that Barnardo's again won the tender for that.

Q. Did it appear that there was a considerable need for the service?

A. A very large need. More demand than we could meet. I wish there was more in schools about bereavement and mental health support.
Q. I think you have a general point about what should happen in schools, just about trauma, bereavement and its impact and how one should understand it and understand its effects. That is your general thinking, that you think that's an important area?
A. Yes, I do, yes.
Q. You don't really want to wait until they get to Polmont and see a bereavement counsellor or a youth team leader. You want them to have had some exposure to a discussion about that and what it means and what it means for them?
A. Yes.
Q. At a much earlier stage?
A. Actually for children generally it would be good in a generic sense to have an understanding of what bereavement and grief is like before it happens to them. So that people understand it's quite normal to go through particular feelings, but particularly for youngsters who are very disadvantaged and already have difficulties when a bereavement occurs they need, in my view, quite intensive support.
Q. Passing on to page 17, paragraph 61, this is something I just wanted to take up with you. It was a significant

moment I think for you shortly after you arrive at Polmont, that when you arranged a large conference with staff and invited various speakers, including the former Chief Medical Officer, Sir Harry Burns, to speak about the development of the brain and why it was that people who had been neglected or traumatised behaved differently. You say that staff came back after the event and completed evaluation sheets.

A. Yes.

Q. Can you just tell us what the significance of that event was, not just for you, but for the staff who attended?

A. Yes. I think Sir Harry Burns is a great speaker on this subject and had some visual pictures of the difference between the brain of a child who has not been exposed to adverse child experiences and the scan of a brain of a child who had. I don't know if you have ever seen any of that, but there are quite substantial differences in terms of which parts of the brain develop differently and the impact that then has on people's problem solving capacity and risk-taking behaviours and a variety of other definitions which I'm not qualified to explain. It's very visual.

Q. It hits home?

A. Absolutely, it had a real impact. I did talk to staff after the event and one of them had put on their

evaluation sheet that it was very impactful and that they felt that they had been left not understanding all their career, thinking that the way that the boys behaved and the fights that they got into and things were -- it was because they were bad and knowing that there was a reason why they behaved in that way and particularly that when there was violence directed at staff that it was not personal.

It makes it much easier to manage individuals with challenging behaviour compassionately when you know there is a reason for their behaviour and that it's not about you. I don't know if that explains it?

Q. There was a lack of understanding of that within the staff generally, this conference helped to perhaps lift the lid on that one for them and also would have revealed therefore that many staff over many years had a rather different understanding and thought some of these children were inherently bad?

A. Yes, I think that's true, but if as an individual you are constantly exposed to difficult and challenging behaviour over a period of time, what trauma-informed practice will tell you is that you do get compassion fatigue after a while, because it is exhausting. So the staff really do need proper kind of supervisory reflective practice opportunities.

Q. They need support?
A. They need support, absolutely. When we then ran out the training about learning difficulties and trauma and the adolescent brain, we got quite a lot of disclosure from individuals within our staff group about themselves, about the fact that perhaps in some instances their children had learning difficulties. There is a whole -- you don't -- we don't know which people in this room have a background of trauma or are going through difficult circumstances today. It's the same with our staff group.
LADY SMITH: Sue, can I just ask you something about language, because you have already indicated you are interested in the effect of shifting language in what you might think is the right direction.

You just used the words "difficult and challenging behaviour", and I have been giving some thought to this word "challenging".

Is it possible that it would help to try to avoid using that word, lest it gives the impression that the child can be labelled as a bad child that deliberately winds up and tries to hurt staff for example?
A. Yes. I think certainly the discussions we had in The Promise and more currently in trauma informed would probably prefer to call behaviour in that way

"distressed behaviour", but there's no doubt that distressed behaviour is also pretty challenging at times, so I suppose I'm just reflecting the reality of it.

LADY SMITH: Difficult to handle?

A. Yes. I think the people who are skilled in trauma-informed practice would argue that it's important to reinforce in the language the reasons why people are behaving in that way.

LADY SMITH: Yes.

A. They do talk about distressed behaviour, if that helps.

LADY SMITH: Perhaps trying to avoid language that escalates the sense of battlefield that has to be engaged in and somebody has to win?

A. Generally speaking I suppose that's why we moved away from talking about violence and violent behaviour and towards something that changes the direction or helps to embed the understanding --

MR PEOPLES: It is behaviour that needs to be addressed, you don't need to give some sort of description to the behaviour itself, to just say it's behaviour and it's behaviour when it happens that needs to be addressed and it needs to be addressed in an appropriate way, having regard to the background and needs of the particular person.

A. Maybe for us it's back to the issue about balance. You are constantly trying to care for people in the right way, but some of these youngsters are quite dangerous actually and they've committed very, very difficult offences and you have to keep that in balance all the time.

Q. This conference, if it was attended by staff, there would be quite a number of fairly experienced staff present?

A. Yes. We restricted the regime in the establishment that day, so we had a very large room full of staff. They weren't all able to get there, but a large number.

Q. Did that conference and the understanding that was gained change the way that officers or staff -- including the more experienced staff, who may have worked in a certain way historically -- approached their work or did you detect some change in attitude or expressions or so forth?

A. The conference with Sir Harry Burns was very early on in my time in Polmont. It's not a magic wand. It didn't happen overnight. It had to be reinforced in all sorts of different ways as we went forward. Some staff were I suppose what you might call early adopters and said, "Yes, absolutely see that", and were probably already actually behaving in the kind of ways that you want

intuitively. Other staff took longer.

In my head, without naming them, I can think of a couple of members of staff at the beginning you would have thought, "I'm not sure I'm going to convince you about this" and towards the end of my time were fabulous advocates for the young people and for doing things differently.

Q. That was due to understanding, that wasn't there before?

A. I think so, yes.

Q. At least in large part -- it seems an obvious conclusion, if you put the examples you have in mind, you obviously think that did make a difference?

A. I think it made a difference, but I think what also made a difference was -- I like people to be able to innovate and give the staff opportunities to try different things. So if you set a direction and you give people some knowledge and then you say, "Okay, what ideas do you have?" Then it's led by the staff group. It's not something that they feel dictated about.

Q. Going on to page 18, to follow this up on this issue of understanding the effects of trauma, you are dealing with staff who may have had that trauma in their own lives, but maybe they didn't and therefore they get an understanding through learning, but if you follow that through, your view is -- I think a personal view on

this occasion, paragraph 62, page 18 -- that really society I think you are probably saying in general has to sit down with young people in some way and train them about trauma. Not necessarily because they've experienced it, but because they will come across it in some shape or form in due course and they should at least have an understanding of how it can affect them or others?

A. Yes, I think so. I think it should be again part of the school curriculum. I think before young people have families of their own it's helpful for them to understand a little bit about child development, about how babies grow and develop and that if you constantly shout at your child that's not going to help them, about adverse childhood experiences, about foetal alcohol syndrome, so that they understand that these kinds of experiences actually affect people's brain development as a child and have serious social consequences.

I think it's important.

Q. You say in paragraph 62:

"Some young people who we did speak to in a peer support group found it really therapeutic to have this education. They thought they had been born bad and finding out there was a reason why their behaviour was challenging [the word used again] was cathartic for some

..."

Who are these young people? Are they in the closed environment of --

A. We had a group of lads who were peer supporters and we -- I would have liked to have got much further before I left Polmont in doing this kind of work with the young people directly themselves, but we didn't get that far.

We did try out some of this information with the peer support group, I think through youth work. That was the kind of feedback that we were getting, that it was actually really helpful for them to know, because they thought, they had internalised this view, that the reason why they behaved in this was because they were horrible people, that they were bad people. And to understand that there might be a reason for that, based on their experiences, was hugely helpful.

That's not to say -- you have to manage that quite carefully and there has to be support built in around that, obviously, but I think that makes sense, doesn't it?

Q. Then just on the same theme, you say that prisons, at paragraph 63, don't generally have an embedded practice around staff supervision and support like the Social Work Department.

Just explain to us what you mean by that and is that

still the situation?

A. The most important thing I learnt about the work that we did on workforce in the Independent Care Review was that it is critical if you are going to engage in trauma-informed practice to have a form of staff supervision and reflective practice built in around that.

That's very difficult for us, because the way our staff deployment is organised is that staff are always basically in contact with people in our care. There's no time built in for them to have time to do that. We have designed the roster arrangements, the staff deployment arrangements, for Stirling specifically so that staff will have time for that kind of supervisory practice, but it's not in place as yet. That's the objective and I think in the longer term we'll be reviewing our staff deployment practices across the whole estate and we would hope to incorporate some aspect of that.

What I also say here is that I actually think it would be quite important for education to do that. My understanding is that teachers do have supervision, but it's more about the content of what they're teaching, it's not about how they are working with and understanding the children, if that makes sense.

Maybe that has developed since my time in Education Scotland, but I think if schools are going to be generally trauma-informed as well they're going to have to think about that.

Q. Just going on to another section on staff training on page 18, I don't want to go through things that we have covered, but you do say in paragraph 64 anyone working, particularly with women and young people, do need more intensive training and supervision. You say certainly you've always been keen on developing staff.

That's a recognition by you that there is a specialism that's required and special training is needed; is that right?

A. I think you need a specific knowledge base that's specific to those population groups.

Q. The understanding again, you can't build relationships, you can't care appropriately unless you have the understanding?

A. I would say so.

Q. Okay.

You have told us about restorative practices and other things, so I'm not going to go back on that.

Paragraph 67, maybe take up the theme of trauma-informed organisation. You are leading on this within the service to try and create a trauma-informed

organisation across the board. You say there is lots of work going on with that at the minute.

Before I go into that, just briefly, how would you describe the organisation at the moment, if it's not a trauma-informed organisation? Do you have a short description? I don't want to do the organisation down, but where do you think they're at at the moment?

A. I would actually think that prison staff generally and prison governors particularly might well be further ahead in this than other organisations, but it's not a cohesive response and understanding.

I'm aware of different prison governors who are already doing work in their establishments, which I know is trauma-informed because I hear what it is that they're doing, but what we don't have is a corporate umbrella policy around that.

I have expert contacts in the NHS and in Scottish Government who are experts in this area and we have created a network with them and had a number of discussions with them about how the best organisations move forward, because we don't want to just -- we're not doing this to get a badge. If we are going to do it we have to do it properly and it has to be embedded and it has to be part of a cohesive culture shift for the organisation.

The advice is don't rush it. Don't just train all your staff and assume that that's it, that's the job done. Start with your senior leaders and make sure that they have the same baseline understanding, because if you train all your staff and then the right infrastructure and your senior leaders don't understand actually it can be more destructive.

I hear that -- although I've not had sight of it -- there is a report about establishments in England and Wales where they've rolled out a lot of training and the evaluation report is not good, so that's not what we're doing. I think sometimes you are probably criticised for not doing this work fast enough, but it is more important to get it right and do it properly and steadily than to try and rush at it and not do it well.

Q. I think you make that point. You do say in paragraph 68 that you currently have a number of pilots in place across the SPS to test specific aspects of trauma-informed practice. Is this really piloting to see ... is it sort of going on a measured basis, not to just rush to reach the end?

A. We are training our senior leaders. We have also put in place e-learning training on our e-learning system, which is from NES, which is the NHS. It's called "Trauma informed", which is the basic level. They have

advised us not to go beyond that at this time until we have other supports in place.

What we are doing is we are doing work in different establishments to try and establish what level of training design we will need in the future for the rest of our staff.

The NES training framework has four levels, it is informed, skilled, enhanced and specialist. The pilots have been -- we have trained some offender outcomes activity staff in Shotts. We have done a mapping exercise in Polmont looking at the roles that staff occupy against that NES framework.

We have done some training needs analysis staff survey work in Edinburgh. We currently have a clinical psychologist who is doing a PhD, she's going to interview all our senior leaders about what all this means and do a lit review. So we are starting to gather evidence again, which will help us to give advice to the senior team about what kind of training do our staff need and where do they sit on that scale.

LADY SMITH: Sue, you refer to this -- do I have you right -- as NES training? That's the National Health Scotland Education Training Service, is that right?

A. Yes. It's the branch of the NHS that leads on their trauma-informed practice.

LADY SMITH: Referred to as "NES" not "NHS"?
A. That's right, NES, yes.
MR PEOPLES: You say, "We will be auditing against Scottish Government quality indicators at both establishment and corporate level". Just on that point, will there be any external evaluation as well? Because I know that Scottish Prison Service has an audit unit or audit and assurance unit that does internally audit the service --
A. They're not involved. We're going to use the quality indicators -- I don't think they're published yet actually, but we have seen early drafts. Probably in Edinburgh prison, because there has been a lot of work on trauma-informed practice happening in Edinburgh, because the governor there is very interested in it. Also, as I said, at a corporate level, because we need to look at how we are organised --
Q. Will there be external evaluation before you --
A. No, but we are working with our research team to put a piece of research in place, because what we want to know is if we're starting now, to get interim reports and evaluations so we can see how we're going basically.
Q. There is still a way to go then?
A. Yes, a long way. I would say you're talking five to ten years easily to --
Q. To get to where you would like to go?

A. Yes.
MR PEOPLES: Is this a good time to have a very short break?
LADY SMITH: It would certainly work for me if that's okay with you, Mr Peoples.

I usually take a break about now to give the stenographers a breather and of course it would give you a breather too, Sue. Is that all right?

A. Yes, of course.
LADY SMITH: Thank you.

Let's do that.

(3.03 pm)

(A short break)

(3.12 pm)
LADY SMITH: Are you ready for us to carry on, Sue?
A. Yes.
LADY SMITH: Thank you.

Mr Peoples.

MR PEOPLES: Can you move to page 20, the heading "Segregation or separation and reintegration units", which I would just like to ask a few questions about.

First of all, can you help us with this. There is obviously a variety of establishments now within the prison estate, including maybe the state-of-the-art one at Stirling, if I could call it that in comparison to certainly somewhere like Barlinnie, which I think is

maybe at the other end of the spectrum.

In terms of healthcare facilities within establishments, including both Polmont and Stirling, are there proper healthcare facilities in either of these places in the sense of a full-blown healthcare facility or is simply that there are certain facilities to meet immediate healthcare needs?

A. In the town where I live there is a health centre and that is where I go for primary healthcare services. You would have similar services in establishments. In Stirling, and actually also in Polmont, there is an area where you can go which is like a health centre for primary care. We would have dentistry care in those areas as well, so there would be a dentist room.

What we do not have is what you might think of as a hospital wing, with rooms that are being managed as a hospital. We don't do that for very good reason, because there's a human rights issue that you need comparative care. I wouldn't expect to be managed in my health centre near where I live, I would want to go to a hospital. That is the same for people in our care. So if they're ill enough, either physically or mentally, to require hospital care they go out to hospital.

Q. Is this an attempt -- I think I used the expression to achieve the principle of equivalence, between community

care and care in a closed environment; is that -- I think Dr Chiswick said that was what he was advocating in 1985, although they didn't use that term in those days.

A. Yes, that's right. It's right that if you are ill you go to a proper hospital. We are prisons, we are not hospitals.

Q. There is a number of descriptions of rooms or units that you refer to. I just want to be clear about what they are and how they function.

You refer at paragraph 73, page 20, to separation and integration units and you say you think there is about 12 places in the unit at Polmont and that that unit is separately staffed. Is that the current position?

A. Yes, there is a separation and reintegration facility. I should qualify that in Polmont by saying -- I should have said this in my statement -- that is only used for the boys.

Q. In Polmont?

A. In Polmont. If you are a woman and certainly in the time there as a young woman you wouldn't go to that facility, because it's not separate. We're not allowed under the rules to accommodate women and men in the same area and it wasn't regarded as sufficiently separate,

because it's basically one facility.

Women, including the young women who were there at that time, if they required separation/reintegration facilities would either be managed in the hall, so they would basically be isolated and locked up in a room in the hall and managed in that way or more likely if it was really difficult then would be returned to, at that time, Cornton Vale, where there was a separation and reintegration facility for women.

Q. As far as these units are concerned, can you describe what a typical unit would have consisted of in the days when you were in Polmont?

A. The Polmont one is quite a long, thin building with rooms down one side. The rooms are quite sterile in lots of ways, because people end up there usually because they're doing a lot of damage to the facilities and can be quite destructive, so the facilities are designed to make sure that people can't destroy them, not least because we don't want them hurting themselves or hurting the staff.

There would be a very small gymnasium facility, somewhere where there could be a couple of exercise bikes or something usually within the area. Then in the back area there would be a staff office and laundry-type -- you know, routine facilities.

Q. If you take the actual individual unit that a person might be placed in and placed securely, they couldn't get out presumably? They would get out at some point you're going to tell us, but it's locked when they're not out?

A. Yes, that's right.

Q. When they're in that unit, what would they have had by way of facilities or furnishings?

A. It would depend on why they're there and what the assessment is in terms of them and their behaviour, but the reality is that what you want to try and do is get them out and about as much as possible and get them out of there as fast as possible. It depends on the reason why they're there as to what resources you deploy, but there is always multi-disciplinary case conferencing built around them. In Polmont particularly we opened what we called the inclusion unit, which was in the activities area, where there were two members of staff employed who would work directly with the youngsters who were most excluded, and these boys would be included within their brief.

They would sometimes go down and take them out on an individual basis to do one-to-one activity. You might have a teacher going down or a chaplain going down or someone to do individual work with them, with a view

to getting them into a position where you could get them back out and up to the hall.

Q. Am I right in thinking that the separation and integration units had a dual purpose, one was to accommodate people who were assessed to have some perhaps potential risk of harm to themselves, suicide risk for example, and would they also house at times people who were removed from association with others because of their behaviour? Were there two types of person that could end up in one of these units?

A. It's complicated. If you had someone who was presenting as being vulnerable and suicidal you would normally manage them in the hall in a safe room.

Q. Pause there, when you say "safe room", that doesn't mean their room?

A. That doesn't mean their room.

Q. It could be another room within the hall?

A. That's a specifically designed room, I can come back to that and explain that --

Q. Could that be called a "safe cell" by some people?

A. It could be called a safe cell.

Q. It is very spartan and doesn't allow opportunity for example to use certain methods to take your life?

A. It's designed to be ligature free, so the facilities are -- yes, some people might say it's quite a sterile

environment, but it is designed in order to make sure that people don't hurt themselves.

I'll come back to that if I may.

Q. Yes.

A. People taken out of the hall to go to the separation and reintegration unit are generally there for one of two reasons.

One is what we call rule 95, which is where they've been separated for the purposes of good order of the establishment. That might be because their behaviour has been particularly violent or destructive in some way.

Q. Is that for disciplinary reasons?

A. Generally, yes, well --

Q. "Discipline" in the broad sense of trying to maintain order, not a punishment --

A. It's not a punishment, but, yes, it's to manage their presenting behaviours.

Or you could be there on a rule 41, which is a medical authorised rule where someone is essentially mentally ill or there is a suspicion that they are mentally ill and they require to be assessed.

Our view is that people who are mentally ill should be moved quickly out of the establishment into appropriate mental health facilities. Unfortunately, at

the minute they're not often moved as fast as we would like.

Q. Was the situation you are describing the same in 2018 at Polmont?

A. Yes, although, what I would say and you might want to get statistics from SPS about this, is that the amount of separation and reintegration in Polmont has substantially reduced, certainly in the current governor's time. He's put a lot of emphasis on that. The number of times when young people, as in 18 to 21, but certainly children, would end up down there would be really negligible. I mean we have always tried to avoid that, but I think if you got the stats over the last couple of years from SPS you would see that demonstrates it.

Q. You could have a situation where someone, a child, in Polmont, if they were there in 2018 or now could have ended up in one of these units for one of the two -- in one of the two situations you have described, a rule 41 or rule 95?

A. I suppose technically, but the reality is you would want -- because they have to be separately accommodated, you would want to keep them in the area with the other children and you would manage them in their own room or a safe room.

Q. There is another option. Apart from one of the units, in this unit, there was the option of what you called a safe room, which is different from a normal room for a person in the block?

A. Yes. You would normally try and manage them in that area, but not specifically in a safe room. You would just put them in another room really and you would manage them accordingly, but you might not let them have as many belongings for example, depending upon what their behaviour was like.

Q. What would merit a safe room?

A. A safe room is a room that is ligature free. I know it's confusing, but in the separation and reintegration units some of those rooms are also safe rooms, because we get people down there with very violent behaviour, who are also potentially suicidal.

In the halls there are also safe rooms that are ligature free. We use those for people who in some circumstances, but not all circumstances, so when they go on Talk To Me as part of the case conferencing process, if it's felt that they require that high level of support at night-time then they might be allocated a safe room.

Q. If they were allocated in the good old days, according to Dr Chiswick, I think you might be put in a certain

type of isolation cell and observed at short intervals and almost very little else for a time. It seemed that is what happened at Glenochil, at least in the mid-1980s, but what would have happened or happens now if someone's in a safe room?

A. You would be getting really pretty intensive support. It's because you asked me about this issue when I came the other day I asked for some stats on that and as of 27 September, the information that I obtained was that we have 93 safe rooms around the estate, 71 people yesterday, I think it was, were on Talk To Me but of them only 12 were in safer rooms.

I suppose that goes to show that we don't use it all the time and when we do use them we use them for as short a time as is absolutely possible. When people are in those rooms it's usually because we don't have supervision overnight in the same way as maybe Carstairs does, perhaps. Generally speaking it's to keep people safe at night when we don't have the same levels of supervision and then during the day time they're out and about on supervised activity, if they're fit enough to do that.

LADY SMITH: Sue, a quick question. You used the expression "being on Talk To Me", you said people were on Talk To Me, if you're on Talk To Me what does that tell me?

A. That is the Talk To Me process is being applied in your particular circumstances.

MR PEOPLES: You have been assessed as presenting a possible risk of self harm of suicide --

A. Someone has indicated that they're concerned about you. The Talk To Me process has been initiated and you're working your way through the multi-disciplinary case management process associated with that.

Q. Just one question on the assessment process. I think you say somewhere in your statement that you are trying to work out whether someone might be in that state and need these special measures, that one of the important things is how they answer, how they feel, whether they feel suicidal.

I'm just wondering about that one, because we heard some evidence that those that were I think described by another witness as "prison wise", if they were asked that question would usually say, "No, I don't feel depressed or suicidal", because they didn't want to go to one of presumably these safe rooms?

A. That's why we don't use them all the time, I mean --

Q. What if they're telling you that just to avoid being in the room, but they are in fact --

LADY SMITH: Mr Peoples, a quick request. If Sue gets to finish her answer then we don't get a crossover on the

transcript.

We're talking about people saying, "I just said that was okay because I didn't want to go to the space that was separate and quiet and alone".

A. Yes. How to explain this.

Many years ago in Derek Chiswick's time and I remember, many years ago I worked in Glenochil as the deputy governor there when there still was a young offenders institution as part of Glenochil and before Act2Care became our initial policy and then evolved into Talk To Me. We had, and I forget what it's called, but the kind of suicide supervision process, whatever it was called at that time. It was very much about putting someone in a sterile room, keeping them there, stripping them down, only giving them very -- really quite embarrassing, I have to say, short shift things that were indestructible.

At that time a lot of people did not tell us that they were -- apart from the general environment and the establishments -- feeling bad because they didn't want to be put in those kind of facilities.

When I wrote the Act2Care strategy we did that with a multi-disciplinary team, including external advisers like the Samaritans and others. I think I said to you that I asked Derek Chiswick, I wrote to him at that time

asking for his involvement and he declined to assist us.

So we did do a lot of intensive thinking, including looking at Dr Chiswick's report and considerations around those things. The Act2Care process which evolved into Talk To Me is very much designed around making sure that you keep people in as normal circumstances as is possible according to their assessed risk.

If you can keep them in their own room with their own items and belongings, then you do that. But there are times when it's not possible to do that and we don't have the resources. If we have 71 people who are exceptionally vulnerable, we are not able to be in a position all night to have people within arm's length, as they do in some mental health facilities. So we have to have some kind of resource which is ligature free where we can be more confident that people are not going to hurt themselves.

In Polmont, in my time there and certainly now with groups like the inclusion unit, you were able to use them particularly during the day, along with other staff to get youngsters out and about and in activity as much as possible.

The stats, when we introduced Act, significantly reduced at that time the number of deaths that we were having in custody, because it relaxed the conditions.

Can I say hand on heart nowadays that there are not people who don't put their hand up because they still are not confident that they don't want to be managed in that way? No, I can't. But it is significantly better than the situation we were in and Talk To Me itself has evolved from Act2Care and it will evolve further as we conduct the next review.

MR PEOPLES: Okay.

Can I move on to another section of your report, which begins -- again I think I can deal with this briefly, because we have covered it. It's "Observations on models of imprisonment for women".

LADY SMITH: That begins at page 23.

MR PEOPLES: Yes. Paragraph 80.

Can I put it this way, I think historically and this I think is reflected in something that was put about a former governor's view or comments in 2016 that models around improvement and justice had not been designed for women. I think you are really trying to tell us in response to that that things have moved on considerably since 2016 and you have told us a lot about that today, so I'm not going to repeat what is said.

A. Yes.

Q. I don't think you disagreed with that comment probably at the time it was made?

A. When I was in Cornton Vale I would have been saying that there were lots of women in prison who shouldn't be there and should be managed differently. Yes, certainly the kind of design concepts that we have now are quite different.

Q. Just on paragraph 81, page 23, I think this is something you have said earlier, but you are making a point there about:

"The service has learned a lot about women, having gone back and examined pathways into offending, and applied the evidence to the practice and made changes appropriately."

You have given us some evidence on these changes.

You say:

"I would say that we do not have policies that are gender specific as a whole in society for boys and men and we don't understand enough about their gender-specific needs."

I think it's not just society that doesn't have that evidence yet, it's the service itself?

A. Yes. I would say -- people talk about the justice system's designed for men and we need to do it differently for women. I would argue that it's not designed for men either. It's just a justice system and everybody has to fit into, all parts of it, including

prisons.

Q. That is one way of putting it.

Page 24, "Making women offenders feel safe". We have already heard about the Women's Strategy for 2021 to 2025, is the document I think we are talking about. You have said, and I'll just refer to it, that it's your belief that a new model of custody for young men and mental health support in schools is called for and needed. We have spoken about that already, so I'm not going to take you back to too much.

You have another heading called "Control and restraint", which I would like to look at briefly if I may. It is starting on page 24, paragraph 84. You have told us just a short time ago that you were involved in the development of the Act2Care, suicide prevention strategy or policy?

A. Yes.

Q. I think the background to that was a number of suicides at Cornton Vale, to some extent was one of the drivers?

A. Yes, that was the prompt for the Act2Care strategy and I was -- it was one of the periods when I was in headquarters and I was asked to review our policy.

Q. You tell us that now -- you say that you are currently responsible for policy surrounding control and restraint practice. You say that in paragraph 84.

A. Yes.
Q. You are doing this on a phased basis, and the first was control and restraint phase 1, which was about making the existing techniques that are used safer to use or safer.

You said that you built into that phase some training content about trauma-informed practice and a bit about why people behave in this way and how to prevent that.

That's just looking at the current methods and techniques and so forth?
A. Yes.
Q. You say:

"We have now moved on to control and restraint phase 2, which replaces our old restraint techniques with new ones. These are non pain inducing, we are currently piloting control and restraint phase 2 in Polmont and Stirling and in the CCUs."

It's an interesting expression, non-pain-inducing restraint. I suppose that for a starting point does it follow that the existing techniques, and I mean the permissible techniques, do in some instances and are designed to induce pain to achieve the necessary objective?
A. Yes. The C&R techniques that we call C&R phase 1, that

are in use in our adult establishments, are designed to inflict pain in order to bring people under control. The intention is to cause pain in order to -- the technicalities are different, but it's the way in which you apply the techniques in terms of wrist holds and wrist flexion.

C&R phase 2 has been specifically designed by the training team to have techniques that don't do that, so they are non pain inducing. What I would want to be clear about though is that there is a hierarchy of techniques. We have built in a lot at the bottom about how to avoid restraining someone in the first place and different techniques that you can use and then layers of non pain inducing, but right at the apex of the triangle there is still the opportunity to inflict pain for very short periods of time in very extreme circumstances, where there is a risk of serious injury or danger to life.

Q. It doesn't eliminate entirely circumstances where a pain-inducing technique would be used, but the aim is to in the vast majority of cases not to use a technique that will induce pain, is that essentially what we're about?

A. That is absolutely the case and we have checked that because of the UNCRC provisions in relation to children,

we have taken expert external advice about that and we have also checked that with legal advice and we have been assured that that is still appropriate.

In fact, the external adviser who gave us that advice was very clear that it should still be retained, because in some circumstances his view was it is in the best interests of the individual to make sure that they are brought under control, otherwise they might hurt themselves and hurt others.

Q. As quickly as possible even for a short time that may involve some degree of pain to the individual?

A. Yes.

Q. Is that what the advice is?

A. It's difficult to explain it here, but what might be helpful to you as an inquiry is to get access to some of the current evaluation statistics, because there is a research evaluation ongoing with this. So that you can see how practice is changing, how effective it is and how different it is.

Also, if you wanted to see a demonstration of it, we could no doubt arrange that.

Q. That may be something we'll take you up on.

Can I say this, the reason I asked about the use of pain-inducing restraint was in part obviously in the context of the children we are dealing with, and the

children that are in the prison system who are under 18. Clearly, such restraint is still permitted under prison rules? I hear what you say, but it is permitted?

A. Yes.

Q. It's permitted for children in prisons?

A. Sorry, I'm confused, you mean C&R phase 1?

Q. No. Not the new phases, this is something that's being worked on, but until you did that pain-inducing restraint was a permitted method of restraint using certain techniques, and it was permitted for children as well as others --

A. Yes, it was, prior to the C&R phase 2, yes, it was.

Q. I think this is based on something that we have been told by the Chief Inspector of Prisons, that while it was permitted under the prison rules there were a number of international bodies that had repeatedly condemned the use of pain-inducing restraint on children as a violation of their human rights.

That may be solved by taking them out of the prison system, but what comment do you have on that? Do you say that the advice you are getting is that in some circumstances it would not be a violation of their human rights?

A. The advice that we are getting in terms of the new design of C&R phase 2 is that that is legally compliant

with the UNCRC obligations.

Q. What about what happened before then, do you have any comment?

A. I don't have any specific comment. I think you would need to talk to the corporate body about that. Certainly the C&R restraint techniques which involved the infliction of pain, that is what was used throughout the estate until these pilots took place.

Q. Can I move on then from that to page 26 of your statement, paragraph 92, "Experiences as a prison governor".

I think you were really asked to address issues of skills and knowledge in managing female offenders. You say at paragraph 92:

"In my experience I don't think staff dealing with female offenders need any different skills, but what is needed is different knowledge."

A. One of the things that happens when we roll out training to prison staff about trauma-informed practice or -- and we have done that with the staff working with female offenders or about gender-specific issues, what tends to happen is they know a lot more than they think they do. Actually a lot of them already practise in these kinds of ways, because they are just kind, compassionate, empathic people, who are trying to do the right thing.

In many respects a lot of these practises already exist, but what you are doing is giving people the additional knowledge in order to apply that perhaps more consistently and to challenge some assumptions about their practice as well on occasion.

Q. Some good practices will be gender specific, because they reflect a certain need of a particular gender, but that is down to giving people who have to practise, the practitioners, the understanding and knowledge of when that practice should be adopted. Is that what you are saying?

A. Yes, I think so, yes.

Q. You have a piece from paragraph 94, page 27, I'll just briefly take this up. You say:

"I think senior leaders within the service have to work in ways which are evidence based and the purpose of the statement in the corporate plan is applied, some of this requires knowledge and some of it is about developing skills in these areas."

Are you really saying that this is necessary to have effective leadership which will achieve the general aims you have spoken about over the course of today?

A. Yes, I think so. You do have to have a good knowledge base and if you are going to continue to learn and develop you have to keep in touch with the developing

evidence, because the world moves on and we learn more about what we need to do.

Yes, you do need to keep in touch about that and the organisation needs to support that kind of practice.

Q. Also people move on from key positions and so --

A. Yes, they do.

Q. -- is it where the organisation has to factor that in and make sure that you don't simply lose the good practice because you lose the good leader?

A. That's right. That's why it's important for things like the Women's Strategy and the Young People's Vision to be in place and embedded in our corporate governance structures. It will be the same for trauma-informed practice. That is why we need to move towards having a strategic framework, because otherwise there is a risk that individuals move on and it's not part of the corporate mindset.

Q. Paragraph 95, I think this maybe sums up a theme that runs through your evidence today and in your statement:

"Fundamentally the issue is all about relationships. People can have lots of qualifications but little common sense. In our organisation you have to be good with people, because our staff are working with people who are in our care."

It sounds easy to say, but that is what you are

trying to focus on?

A. I have come across people in the service and in other organisations who do have lots of qualifications after their name but they are not any good with people. We manage people, who manage people, who manage people and if you are not good at working with people you don't get anything done.

You have to be persuasive, influential and get people on side. People have to trust you, think you are genuine, that you care about them.

Q. If you don't have that, then there may be difficulties in the way they behave or react to you?

A. Yes.

Q. I'm thinking particularly of young people. If you don't have that, that relationship?

A. Young people generally I would say have even more issues about trust, particularly. They've usually been let down. When I think about some of the youngsters, one I spoke to in my time there had been through 15 different care placements and had been moved on every time. He said:

"I don't trust anybody any longer, because they are just going to move me on."

That issue about developing trusting relationships is really critical and very difficult.

Q. I don't want to spend long on this, at page 28 you tell us a little bit I think about either current or planned reviews, I just want to check what the position is. You are responsible you say, at paragraph 97 on page 28, for the SPS response to the Death in Custody review. So is that something that is ongoing at the moment?

A. Yes, it is.

Q. You say:

"We [does that mean the service] have just reviewed and reissued what is called the Death in Prison Learning Audit and Review (DIPLAR) process, which is a case conference approach to deaths in custody."

That has been reviewed?

A. That's been reviewed. It's in place from the end of August and it's met a further number of recommendations as part of the Death in Custody review.

Q. You are also saying that you are due to review the Talk To Me strategy again to see if there's more we can do around that. Has that started?

A. No, that has started. We have started with a literature review, we have started commissioning the user voice work, in fact that's been under way. I can't remember. Actually there was a review paper yesterday went to our advisory board ... it's in the evidence-gathering stage is what I would say.

Q. Is the broad purpose of what you are trying to achieve, would it be correct to say that for example the DIPLAR process and Death in Custody review are aimed at getting some early process of learning to review the whole thing, involving all relevant parties, including families and --

A. The DIPLAR process is a learning process.

The Death in Custody review puts a lot more emphasis on engaging with families and trying to make sure that we understand what the questions are they want to have answered earlier on, that that's incorporated and we give better feedback to them as early as possible. There's been a lot of consultation with families and that's been built into the DIPLAR process.

Q. I think you would want to make this point during your evidence, paragraph 99, the bottom line is -- I think when you say "people coming to prison", I think you mean "many people coming to prison":

"... have had appalling life circumstances, addiction problems, complex mental health problems or suffered bereavement."

What is the point you are making there, that you now say something about how that's dealt with within the service?

A. The population numbers have gone up. The folk who come

into us are people who have been let down often by lots of other services through their life. They end up with us because they're not coping with their life circumstances and needed support.

I go on to talk about:

"I wish sometimes people would focus on how many people SPS save from hurting themselves."

There is an enormous focus on deaths in custody, which I understand. It's absolutely tragic, including for the staff when someone takes their own life, but every day in prison establishments, prison staff are saving -- there are numerous incidents where they're saving vulnerable people and nobody ever asks us about that or seems to be interested.

Q. You say in paragraph 100, page 29, that obviously you want to learn more about how to prevent deaths in custody and presumably that is the purpose of the various reviews to try and improve things and understand better what is driving this?

A. Yes, it is, but, as I say there, the FAI process is almost always focused just on a very short period of time, just pre and post a death occurring in prison.

It's a personal view again, not necessarily a corporate view, but in the circumstances -- when I have been governor and have lost people in custody who

I have been responsible for, there have often been indicators where I really wish there had been more of a life history looking at what led up to that individual's offending, what kind of services and supports ought to have been available in the community. Even, frankly, sometimes decisions in the court about whether they should have been with us or not.

I think what I would call a significant case review, that looked more at the life history we would learn more about how to prevent deaths generally and it would be frankly less of a focus just on what happened in the prison and much more of a holistic understanding.

LADY SMITH: Some of what I hear you say there, Sue, is there are many people who are saved from hurting themselves.

A. Yes.

LADY SMITH: Maybe their lives are saved. Through the application of current systems and practices, but you recognise that there is always another big question: how is it that the existing systems and practices -- that goes wider than the prison environment itself -- didn't work so as to stop that person getting to that stage?

A. Yes.

LADY SMITH: It may be what happened in the prison. It may be what happened before, it may be both.

A. Yes. It's absolutely right that when someone dies in custody there should be a really robust review about what has happened, because we are responsible for people's lives and it's critical that we do that. It does worry me sometimes if I was honest, and I've seen this happening, that in an instance where someone has perhaps a lot of family support or media interest there is a very huge focus and potentially very long FAI. I've known in other circumstances where someone really has no family support, usually a man, has very little family support and so there's not as much advocacy, if you like, and it's a very short FAI.

On a personal basis I don't think that's right. I think there should be the same level of scrutiny for anybody, regardless of who they are and how much -- let's call it advocacy there is about their personal circumstances.

LADY SMITH: Every human is of equal value.

A. Absolutely.

MR PEOPLES: I'm not going to read it all out, but at paragraph 101 I think you do have some significant -- you have some concerns about how the FAI process works, you would rather have something quicker that learns lessons and is less adversarial I think in short.

A. Staff who go through FAIs will tell you it's horrific,

it is sometimes worse for them than actually dealing with the immediate aftermath of a death in custody.

Q. Moving on, there is a section headed "Are prisons safe?"

You make it clear at the outset at paragraph 102, page 29, you absolutely agree:

"... children should not be in prison and it's a travesty for our society that we continue to imprison children. I've always said that it's wrong and we shouldn't be doing it."

You add I think there, and I think this is a personal view at the moment although we'll no doubt see how it plays out, that you think there should be a blanket approach, that there should be no children in custody, rather than having some qualification involving exceptional circumstances.

Basically children should not be in prison, if they have to be kept in secure conditions do it in some other way?

A. Yes. My experience around that is about 15-year-olds, I said earlier that whenever there is an exceptional circumstance someone will find an exceptional reason to put someone in prison. I think if there is a blanket approach it will frankly force other parts of the system to provide appropriate supports and services so that children do not come to us.

Q. Just moving on. I think we have covered quite a number of the areas that you conclude your statement with. We have already dealt with these things in the course of your evidence.

I think you come back towards lessons to be learned at paragraph 106, page 30, to relationships have to be worked at and it can be really hard, but you say that there should be some building of learning about young people into teacher training. You have told us about that.

I think your view, if I understand it, is that you need appropriate learning and understanding as a foundation if you want to build up good relations, would that be --

A. Yes, I think that's right.

Q. Obviously on page 31, paragraph 107, you make the point that you have to try and connect with young people and that can be difficult, but you have to find appropriate ways and you maybe have to think out of the box sometimes, don't you?

A. I think that's that issue about readiness to learn and one of the things that we are going to focus on when we look at our new education and learning contract is building that in as part of the kind of education services that we provide, that that issue about getting

people ready to actually engage with learning is just as important as the learning itself.

Q. Page 32, towards the end of your statement, at paragraph 111 you make the point:

"We all know that bullying, violence and sexual violence is predominantly perpetrated by men against women. Men do commit these offences and when they do they must be met with a robust judicial response. However, what we really must do for the benefit of women is think about how we can stop men from getting into the situation where they offend."

Is this going back again to looking at the pathways for offending and also how you change the behaviour and educate young people?

A. We have a burgeoning prison population of violent adult men. The number of sexual offences are increasing, they are perpetrated in the main by men against women and children, both boys and girls.

Clearly when someone commits a really violent offence very often there is no alternative. I'm not suggesting that they shouldn't come into prison at that stage. The point I'm making is we need to go right back to the beginning and look at how we bring up our little boys, because clearly something is not working. We have 8,000 of them and the numbers will continue to rise

unless we do something about that, I think.

Q. You tell us on page 32, paragraph 112, that you are currently doing a PhD about masculinity, among all the other things that you are engaged in.

Can you tell us when is it likely we'll see the results of that?

A. Not for a while, if ever. I'm slogging away at it.

Q. I just wondered if how far you had got, because if it was going to be of any benefit to us to see --

A. I don't think so. I'm currently at the interview stage and I'm doing it part time, so it's going to take a while.

Q. I follow.

What you say at 113, and this is maybe -- we have to know more about situations where, for example, you say if boys are subjected to domestic abuse before they get into the care system or the prison system, what is it about that experience that causes boys to then potentially, though not always, perpetrate that abuse on others?

I take it when you pose that question you have in mind not just abuse that may happen in the community when they get older, but also abuse that could happen in a closed environment like a prison, because presumably your pre-care experiences in the community could

influence how you behave in a care setting or a closed environment?

A. I guess one of the things that -- I know we always talk about women are different from men, but men are different from women too. There are biological differences, apart from anything else. Boys do behave differently when they are subjected to abuse and they exhibit distress behaviour, let's call it.

Certainly in the school environment, without stereotyping, but when girls are very distressed they tend to internalise that behaviour more and it tends to appear more as things like self-harming behaviour and I don't mean -- there are girls who are also quite violent as well, but with the boys their behaviour tends to be much more externalised, so you get more physical assaultive behaviour and they're more often excluded from school, which again is a key indicator.

We need to think differently. In my experience schools, particularly, are designed as actually fairly controlling environments, where children are encouraged to sit still and learn. There is an argument that that's easier for girls than it is for boys, because the boys I know can't sit still. They're much more active, particularly when they're younger, so there is something about how we design things.

I've talked about all the different activities that we have in place, a lot of schools don't have those kind of technical hands-on facilities. Some kids just learn differently. They are not all academic in that sense.

They learn in different kinds of way, and that's good. But schools probably aren't really designed to facilitate that.

I just think we have to think differently about it. I don't think that what we do at the minute is necessarily helping.

Q. Can I just finish off just two very quick points that I don't think we covered in the statement as such.

I think I'm correct in thinking that the current Child Protection Policy of the SPS, I think I read somewhere that it was due for review in December 2020. Has there been a review since then of the policy?

A. There has been a recent review of our corporate parenting policy and of our family strategy and they're going through the executive management group process.

In terms of corporate parenting our child protection measures would be included within that.

Q. There is review going on?

A. The review, if you like, has concluded. It's now waiting consideration by the executive.

Q. That might produce a revised policy in due course?

A. It will certainly produce revised work on corporate -- if it's accepted.
Q. Just on the general issue of recruitment of prison staff, there is no oversight body equivalent to the SSSC that regulates the prison workforce?
A. No, not in terms of recruitment. It's not a professional body with ethics standards in that sense.
Q. Or even qualification standards, because the SSSC will dictate that if you want to work in certain areas with children that you have to be registered and you have to have certain levels of qualification, and I think that was one of the purposes --
A. There's not a registration body in that sense, but there are bodies who oversee the development of our qualifications and appropriate accreditation, but I couldn't tell you exactly what they are.
Q. Would that be the SQA, for example?
A. Could be, but there are very high standards in terms of our training development and it has to follow particular accreditation standards. It takes quite a while, but you would need to get someone else from SPS to give you the detail about that.
Q. Things like disqualified from working with children processes and Disclosure Scotland, do they apply equally to recruitment within the service?

A. You would need to get advice from someone who could give you the detail.
Q. I'm sure they'll be able to tell us in due course, because obviously you are dealing to some extent with children at the moment?
A. Yes, but I couldn't give you the detail about it. I wouldn't be sure I was giving you accurate advice.
LADY SMITH: Sue, don't worry, I think we should check the legislation as well to see if there is an exception drafted into it that makes it clear --
MR PEOPLES: I have posed the question, I'm sure that others who come on behalf of the service will be able to give me an answer in due course --
A. You need the HR department and the training side to tell you the details about all of that.
MR PEOPLES: Thank you very much.
These are all the questions. I'm sorry it's been such a long day for you, but it's been very helpful for me at least.
My Lady, that's obviously the evidence of this witness.
There is a read in planned, I don't know if your Ladyship wants to leave that for another day or ...
LADY SMITH: Possibly. I just want to thank Sue first.
Sue, you have provided us not only with a detailed

excellent statement, if I may say, but you brought with you today your knowledge, your experience, you have shared your learning, you have given us your thoughtful reflections on the past, the present and the future and may I say I feel I have been able to hear somebody who has wisdom to share as well, and that's been wonderful.

A. Thank you.

LADY SMITH: I'm really grateful to you.

I wish you well with your PhD and wherever we are -- even if it's after we are no longer here in this work -- I will be looking out for it.

Good luck.

A. Thank you.

LADY SMITH: Thank you.

Please feel free to go.

(The witness withdrew)

LADY SMITH: I would like to think we could find a slot for this read in next week.

MR PEOPLES: I think we'll get it done and we can do it --

LADY SMITH: If we can look for a logical place to slot it in, among the other witnesses.

We start on Tuesday at 10 o'clock with an in-person witness. I'm sorry, it's 4 o'clock on a Friday and I've forgotten the name.

MR PEOPLES: The Chief Inspector of Prisons, if I'm not

incorrect. She will be appearing on Tuesday.

LADY SMITH: She will be here on Tuesday.

Very well. I'll rise now until Tuesday morning and I wish you all a good weekend.

(4.05 pm)

(The Inquiry adjourned until 10.00 am on Tuesday, 3 October 2023)

I N D E X