Friday, 8 December, 2023

(10.00 am)

LADY SMITH: Good morning, and welcome to the last day this week of evidence in the Scottish Prison Service section of our Phase 8 case study.

Ms Forbes, I think the witness is ready to go; is that right?

MS FORBES: Yes, my Lady, the witness is Dan Gunn, so I would call him next.

LADY SMITH: Thank you.

Good morning, Dan. Could we begin by you raising your right hand and repeat after me.

Dan Gunn (sworn)

LADY SMITH: Do sit down. Just take your time to make yourself comfortable, before we move on to the next stage. I may be presumptuous by using your first name; is that all right?

A. Yes, absolutely.

LADY SMITH: Mr Gunn is fine as well, if you prefer.

A. Dan is fine.

LADY SMITH: Thank you, Dan. You will see the red folder has your statement in it. Thank you very much for engaging with us to provide that statement, very detailed statement. It has been really helpful to have that in advance. Of course, this morning you have come

along to answer our questions based on that statement, and I am really grateful to you for doing that.

Before I handover to Ms Forbes, can I just say that if there is anything I can do to help you give your evidence as comfortably as you can, whether it is giving you a break at some point or anything else, just let me know. I do take a break at about 11.30 during the morning session in any event, so you can bear that in mind. But, other points, if it works for you, it works for me; all right?

A. Thank you.

LADY SMITH: If you are ready, I will hand over to Ms Forbes and she will take it from there.

A. Thank you very much.

LADY SMITH: Ms Forbes.

Questions from Ms Forbes

MS FORBES: Thank you, my Lady.

Good morning, Dan.

A. Good morning.

Q. Thank you for coming along this morning. I understand you are a little bit under the weather, so if there is an issue -- I think you have a cold just now; is that right?

A. Yes.

Q. Just let us know if there are any problems.

A. Okay, thank you.
Q. Dan, you have the red folder in front of you with your statement in it. Now, for our purposes, we have given that a reference number. I am just going to read that out for the transcript, so we have a record of that. It is WIT-1-000001330. So that's just for our records.

If you could go to the last page of your statement, Dan -- I think it is 60 pages long, so it is the very last page. I think you can see at the bottom of that there is a paragraph 197.

A. Yes.
Q. And there you state:

"I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true."

And you have signed that, and it is dated 26 September 2023?

A. Yes.
Q. That seems correct, okay. If we just go back to the beginning, then. What I will do is start from the beginning of your statement, really. You have given us your date of birth, you were born in 1950; is that correct?
A. Yes.

Q. First of all, I will just go through your education, just briefly, before we look at your work history, that's relevant to your evidence.

So I think, first of all, you undertook a Master of Arts, an MA in History and Politics at Aberdeen University and that was in 1972?

A. Yes.

Q. Was that when you graduated; 1972?

A. Yes.

Q. And thereafter you had a brief time, I think, in Nigeria; is that right?

A. Yes, with Voluntary Service Overseas.

Q. Yes, you were teaching. Then you undertook a second degree in African politics at the University of Birmingham, and I think you completed that; is that right?

A. Yes, I did.

Q. Yes. So I think that was completed; was it 1975?

A. Yes.

Q. I think your view was that you were going to go maybe into teaching, but you changed your mind about that, I think. We will come into that with your work history.

I think, just finishing off your education background, later on, I think in early 2000/2001, you undertook a MSc in Criminal Justice at Glasgow Graduate

School of Law?

A. Yes.

Q. So that's a kind of summary of your education background, if you like.

In relation to your work history, then, I think the idea of teaching, that idea, you changed your view on that, I think, it is fair to say, isn't it? You didn't want to go ahead into the teaching realm.

A. No. I changed my mind, yes.

Q. And I think it was an advert that you had seen about a management position in the Prison Service, in the Scottish Prison Service. I think it was entitled, "Management with a social purpose", and I think we can see that at paragraph 5 of your statement?

A. Yes, yes. Very arbitrary. If I hadn't seen that advert, who knows where I would have ended up.

Q. So that caught your eye --

A. Yes.

Q. -- that phrase?

A. Well, I was actively looking around for jobs and potential careers.

Q. I think that led you then to apply, perhaps, I think from what you have said in your statement, a little bit half heartedly to begin with, to the Scottish Prison Service, to undertake a management role?

A. Yes, yes. I think probably at the time I was just looking for an expenses paid trip back to Scotland from Birmingham. But, as I have said in my statement, two assistant governors came along to talk to us in the evening and they really sold the job to me.

Q. And you were impressed by them and that changed your view on whether this was something you actually wanted to do, and you then tried to actively try to get the position at that point.

A. Yes, and as it happened those two then assistant governors played a big part in my subsequent career, our paths crisscrossed repeatedly.

Q. Okay. I think that led you, then, to being offered the position, and this was, was it, assistant governor under training that you started out as?

A. Yes.

Q. And I think you tell us it was a two-year training programme, and you outline that you spent placements as a prison officer during the course of that. And in social work and in mental health as well?

A. Yes, it was a superb course, well put together. Lots of interesting secondments, meeting lots of people, a variety of courses down in Wakefield. All senior people coming along to talk to you, academics as well as practitioners. So it was, I thought, a very good

course.

Q. And Wakefield; was that the training sort of department for the three prison services at the time, Scotland, England and Wales?

A. Well, this shows the hierarchical nature of the Prison Service, but it was called the Staff College, and it trained, primarily, the governors for the English Prison Service. But, on occasion, governors from Scotland and Northern Ireland attended. But it was primarily for England and Wales, and the Scots and the Irish were tolerated.

Q. So England and Wales primarily, and then Scotland and Northern Ireland?

A. Yes. We had one -- well, initially we had two governors 4, that was one grade above assistant governor. They were based at Wakefield, and then that was reduced to one and I, as it happened ten years later, I was the last governor from Scotland to be based at Wakefield.

Q. I think you say you also undertook an intensive management course during that two-year training period as well?

A. Yes, I think it was the University of Strathclyde Business School, they came and delivered a two-week course to us. I think there was a bit of resistance to

management. We thought we were working with people, not -- we weren't really greatly interested in management theory. But it was a good introduction to management and the complexity of management, certainly in the public sector.

Q. I think that the placement, if I have read your statement correctly, your placement as a prison officer; was that in Perth Prison?

A. Yes, yes. The arrangement was, if you were under 25, you had to do a whole year as a prison officer. If you were 25 and over, you did three months. So I did three months, and I was the first Assistant Governor in training at Perth Prison to go through this three months in uniform. So shall we say the staff were a bit dubious about having this person in their ranks who was going to become an assistant governor, a hall governor.

But, for the most part, the staff were very good and very fair with me.

Q. I think Perth Prison was where you then were the Assistant Governor under training, and then you became Assistant Governor there after that; is that right?

A. Yes, yes. Completed my two years. I was transferred to Glenochil, but my transfer was cancelled. One of my colleagues left the service, so I was allowed to stay in Perth and I was given responsibility for A Hall and

C Hall.

A Hall were the local prisoners. C Hall was the catch-all Hall. We had category As; we had strict escapees; we had long termers starting their sentence; long termers downgraded from open prison, semi-open prison. We had the remands from all the local courts' punishments. So it was a very diverse hall, and it was the only hall in Perth at that time where prisoners did not dine in association.

Facilities were very poor. Recreation facilities were very limited. So it was a -- from a very personal point of view, it was a great way of starting one's career, because I came across virtually every type of prisoner, bar females. Every category of prisoner.

And in those days, we didn't have that many categories of prisoners. As life has progressed over my career, we subdivided prisoners into lots of other different categories. But, at that time relatively simple, long termers and short termers, convicted remands, under 21, borstal demands, strict escapees, category A prisoners. You may remember the dreadful incident at the State Hospital when Messrs Mone and McCulloch killed a nurse, a policeman, and I had Mr Mone in my hall for a long time, and used to spend quite a bit of time with him at weekends.

So it was a very varied role.

Q. I think the remand prisoners you have talked about there also included young people as well; is that correct?

A. Yes, yes. I spent a lot of my time doing what was then called borstal reports. Borstal was still in existence then. So young people would be remanded in custody for two weeks for court background reports and I would put together a report for the Sheriff.

Q. Well, I think you come on to that in a little bit more detail later in your statement. But, if we just go through your work history first, and then we will come back to that, if we can.

I think you tell us that Perth Prison -- your time in Perth Prison, I think that starts from -- your training period was 1975 and then you finished there in 1981?

A. I went to Dungavel in 1981.

Q. Yes.

A. Yes, sorry.

Q. Your time at Perth Prison, sorry. It was probably the way I put that to you there.

But you were in Perth Prison as assistant governor under training and then assistant governor, and that was until 1981. Then you moved to Dungavel from 1981 to 1985, and that was as a deputy governor. I think you

tell us a little bit about that. That was a small establishment and there was the governor there, a female governor and yourself, which you say was good because you got lots of experience of senior management because she was winding down to retirement at that time?

A. Yes, yes. If she was here, she would dispute that very vehemently, but that was undoubtedly the situation.

She was very popular with the media and she used to get lots of invitations to talk to organisations because she was the first female governor, and she accepted every invitation that came her way. And then nearer the time, she then hesitated whether to actually turn up or not. So, if she didn't, then I was deputised.

And I do remember going to one hotel which was absolutely packed with women. I was the only male there, and I tried to make a joke about that when I started.

Yes, she picked which events she went to and which she didn't. But she was a remarkable lady, and I did learn a lot from her.

Q. I think you tell us then that you were promoted from that position in 1985, and you left Dungavel and you went, as you have said earlier, you went down to Wakefield, the Staff College, in England?

A. Yes.

Q. What was your role there? Was that as a trainer?
A. As a trainer, training the recruits. At that time, we still had the two year training course, so there were two sessions at Wakefield of six weeks where all the assistant governors under training from the three UK services participated, and there was a team of four tutors, of which I was one, and we would deliver a lot of the training.

Of course, we also brought in lots of speakers to speak to the assistant governors.

Q. I think --
A. But I had a lot of time to myself, because it was only two 12 weeks, and even allowing for the overlap, because at any one time you could have two or three courses running, so you had to timetable everything very carefully. But, even with that, I still had a lot of time to myself, which I was allowed to decide what, if anything, I wanted to do.
Q. Yes. I think you tell us, at paragraph 9 of your statement, that you got involved in some of the English courses and you were teaching some management courses in race relations, which was an interest of yours, and hostage management as well?
A. Yes, those were the two that the management of the college were keen -- they always needed more people in

terms of hostage management training, and race relations at that time was not a popular subject to teach. It was not a popular subject to be involved in at any time. So they were more than delighted that I offered to get involved in that.

And some very difficult training situations in -- with these courses. The governors in England used to send, I think, their most prejudiced staff on the course, thinking this would transform them, and they would suddenly become liberal and progressive. And I think it did -- that did work in some cases. But, equally, it didn't work in many cases. And the famous phrase is, "I'm not a racist, but ...", and then you would get a stream of invective in varying degrees next.

So it was a very -- as a trainer, it was incredibly challenging, but, you know, very worthwhile. And I believed in what I was doing, and the fellow tutors were also exemplary in terms of their commitment.

Q. So, having decided against a career in teaching, this was you in the Prison Service delivering some teaching?

A. And I also learned a lot about the English service. At that time in Scotland we weren't that interested in policy. The top leadership were of the view: we are an operational service, we get through the day.

That was really it, in a nutshell. Whereas England,

when I went there, I found they had policies on all sorts of subjects, which I lapped up. But then -- because after a year or two I suddenly -- well, maybe not suddenly, but I gradually found that a lot of these policies were never enacted, they had a policy, but it was often parked in the governor's -- on the governor's desk or in his bookshelves and never saw the light of day.

Q. So something on paper, but it wasn't really put into practice?

A. Yes.

Q. I think you tell us you were there, down at the Staff College in Wakefield, until 1987, when I think you were asked to come back to Scotland and help with the opening of the new Prison at Shotts, which was scheduled to open in 1987. And I think you tell us that was about four months that you were involved in being part of the management team there?

A. Yes, this turned out to be the most difficult time of my career. I was working with very senior colleagues, all who had, on the surface, exemplary careers, but they had no -- how can I choose my words carefully? They did not have the ability to start something fresh. They were used to operating in a given working environment, and a lot of that working environment was custom and

practice, and much of it localised.

So, when you have senior managers coming in from all different prisons and then staff coming in from all different prisons, you needed policy, you needed a coherent approach, and I found it incredibly frustrating that the senior managers either didn't see it that way or didn't want to see it that way, and resisted all my efforts to try and structure and organise training. And what we would now call a vision for Shotts, that was not on anybody's agenda.

Q. I think you say that everyone had their own way, you say there was localised custom and practice, and they wanted to do it that way. So there was the Edinburgh way, the Barlinnie way, and the Glenochil way?

A. And every other way at the time. It was very -- there was one other manager who saw the world as I did, and he had been based at Shotts. Whereas I knew I was just going to be there and then I would be out again. But we had great difficulty convincing the management team.

And then I did have a direct route to the then director of HR, and he was very sympathetic. He understood the dilemmas that I was facing, and he and the then head of operations then changed the management team at Shotts and put -- took people out and put new people in, and that did make a significant difference.

Q. I think you tell us that around that time there had been quite a few incidents with long term prisoners, particularly at Peterhead, and that was a difficult time for the Scottish Prison Service?

A. Absolutely. The first incident that happened at Edinburgh, then that triggered other incidents at Barlinnie, Perth, and Peterhead.

And I was down in England, so I was out of it all. But we'd never experienced anything like this before, and we were losing halls. We weren't losing flats; we were losing halls. And it was a --

LADY SMITH: What do you mean when you say that?

A. Losing control.

LADY SMITH: Losing control, yes.

A. We lost control of halls, and the most vivid picture that people will remember is of an officer on the roof in chains in Peterhead; that's just awful beyond belief.

LADY SMITH: And we are now in the late 1980s?

A. Yes, 1987.

LADY SMITH: Yes.

A. So, from 1985 to 1987, we had a series of incidents, and all revolving around hostage taking and losing halls, or having to take back control of halls. And that was a new experience for everybody and a very painful experience for everybody.

Q. I think you say that there was a lot of public interest as a result of that, and you talk about Andrew Coyle being interviewed for a TV programme, and talking about the lack of training for governors.

A. Yes.

Q. Despite the fact that you had this two-year training course. I think when you started, I think you tell us earlier in your statement, it was maybe the third year of that running. But, once you had that, if you had come in at that stage when that had been put into place, after that you didn't get a lot of training and there was a need to change the training situation?

A. Yes, it was -- you know, the world was changing. The Prison Service was trying to run prisons on the basis of the society of the 1950s: everybody knew their place, everybody was deferential, the hierarchies were in place.

And, of course, the 1960s came along and blew that apart. But nobody told the Prison Service of these changes.

So, suddenly, in the 70s -- and then in England they had a lot of trouble in the early 1970s, and our troubles came in the mid-1980s. And people realised: we can't keep running the prisons the way that we have been running them. Society has moved on and we just need

a new approach.

Q. I think that led to you being given the task of setting up the Training, Planning and Development Unit for the Scottish Prison service. You tell us that at paragraph 12. That was in 1987?

A. Yes, that was very exciting. And although I was loathe, in all honesty, to leave Wakefield, I really was enjoying my time there, but I recognised the need for some planning and we needed to change the training for prison officers. We needed to change the way we recruited our trainers, and we needed to improve the training for newly recruited governors and beyond.

So there was a huge agenda and, for the one and only time in my life, money was no problem, money was thrown at me, and I couldn't spend the money quickly enough for some people. But it took time to put a structure in place, and the head of HR, who I had good relationship with, he gave me a recently retired deputy schools inspector who was to work part time with me.

And talk about first impressions, I thought: this chap is going to be no help to me whatsoever, and how do I sideline him?

However, I could not have been more wrong and he and I became good friends. And I learned a huge amount from him, and through him we managed to get training for our

trainers at Jordanhill College, which at a stroke changed the whole expectations of trainers and gave them a status that they'd never had in the service before.

Jordanhill College, at that time, was seen as one of Scotland's Premier training colleges, and to have staff going there doing intensive work as trainers was fabulous. And that sent out a very powerful message to the whole Prison Service: things have changed. Things are changing.

And then we changed the prison officers' training.

Up to that point the recruits used to sit in a very formal lecture theatre being talked at five weeks out of six. We changed all that. We split them into two groups. They were in a group of eight with one tutor and they did their training either in the group of eight or in a group of 16 with two tutors. So we completely revolutionised the training for prison officers.

And one of my colleagues, he took on the job of training -- devising new training for the governor grade. So it was a very exciting and dynamic and, I think, productive year. We did a lot. Of course, all these changes had to bed down and the culture resisted a lot of changes, and the adage that you forget all you learned at the college, you know, what you need to know is what I will teach you on the gallery. So we were

fighting that constantly.

And trying to bring in a more human rights approach to training, which again was contested by some people. Not by everybody, but was contested by some. Having policies. The idea of following policy; that you couldn't just do your own thing, however well intentioned you may think you may be, but you have to follow policy. Standing orders had to be reviewed and updated.

So it was a very different world in which we were -- which we were trying to create at that time.

Q. And I think you tell us that, the unit, the training unit, was Polmont College; is that right?

A. Yes, yes.

Q. You say that the focus then and the training, how you revolutionised it was to have this face to face training and to focus on responsivity, verbal and interpersonal skills?

A. Absolutely. The key phrase was "interpersonal skills". Everybody talked about interpersonal skills, and it was about doing a lot of role playing; how do you deal with an angry prisoner? How do you deal with an apathetic prisoner? How do you deal with a difficult prisoner? And trying to get staff -- who at that time in their training were very keen, very enthusiastic -- trying to

get them to work through different scenarios. So it was really, really interesting.

Q. I think you say, at paragraph 16, that there was already some training in control and restraint that had probably started in the early/late 1980s. You continued with that, but used specialised trainers?

A. Yes, yes. I didn't have anything to do with that; that was a different team.

But, again, it was important that you had to have a proper way of managing difficult prisoners. If you were trying to move a prisoner who didn't want to move from place A to place B, then you had to have a system in place to do that, lawfully, and minimising the risk of any injury, either to the prisoner or to the staff.

Q. I think you said there was a focus on difficult prisoners in the 1980s and an advisory committee was set up, with a particular focus on violent prisoners who were in segregation?

A. Yes, we were left with -- after this, after the dust settled from all the incidents, we were left with about 50 difficult prisoners. And "difficult" meant lots of different meanings, but -- and the object was to get that 50 down, to get them into mainstream gradually. And that was the overall strategy.

There was a hard core of a group of prisoners who

just did not want to engage at all, and we set up this advice committee which had external representation, and they would interview prisoners. If they had been in segregation -- I think it was three months. If they had been in segregation three months, then they would be interviewed by two members of the advisory committee to see if there was some way that we could break into this cycle that they were in.

So, gradually, we reduced the numbers, and then Peterhead took on a different population entirely, with the sex offenders in the 1990s, and we absorbed all the difficult prisoners, either in the mainstream or we created more specialist units.

Barlinnie Special Unit, when I was governor for three years, that was the leader. But we had a Shotts unit, we had a Peterhead unit, we had a Perth unit and, at one time, we envisaged having more units. But I think the view changed.

The view was we were managing the prisoners better in mainstream. Mainstream had improved. We weren't -- as our critics were saying, we were no longer making bad prisoners worse. We were managing them, we were listening to them more, we were engaging them more. So we weren't creating the difficult prisoners of the 1980s.

The units all had their problems; how you manage boundaries in units; how you manage entry/exit; how do you measure progress? So I think more and more people realised units are not a panacea, and the units bring problems of their own.

As well as being very expensive to run. And from the mid 1990s, expense became a big issue. The staff structure review was commissioned in 1995, when we were facing the possibility of market testing. So we suddenly had to be a lot more objective about what were the benefits of the units; how many units did we really need? So that ended up with all the units closing, except the Shotts unit.

Q. Just going back to the time that you were in the -- developing this training unit, I think you tell us at paragraph 17 that at that time prison officers were recruited by adverts and there was no minimum education requirement, because that came in much later. And the assessment by human resources was by career civil servants at that time?

A. Yes. Looking back on that time, if there was one thing I would have done differently, I would have got personally involved in the selection process.

I thought, rightly or wrongly, I had enough on my plate at the time. But very important -- I believe in

training. I believe in the importance of training, the value of training, but who are you training? And we were using managers from the old school -- if I can simplify matters like that. We were using managers from the old school who were going to recruit people in their own image.

At that time, we didn't have all of the knowledge that we have now, and have had for a number of years, about the dangers of recruitment and how you do tend to recruit in your own image because you think you are the best and you want people like you in the job.

LADY SMITH: Dan, when you are referring to managers, I think you say middle managers in paragraph 17; are these people who are working in Scottish Prison Service headquarters or are they generally working in the civil service out with SPS?

A. There was a variety, because at times we needed a lot of recruitment. So anybody could be thrown in to do recruitment.

LADY SMITH: So was the key to get people at a certain grade --

A. Yes.

LADY SMITH: -- and they might not have been working in prisons at time?

A. Well, most of -- as I recall, most of the recruitment

was done by a panel of three, and you would have a civil servant, usually a HR person -- and in those days HR people were not specialists --

LADY SMITH: No.

A. -- they were career civil servants who just moved in and out of HR -- and you would have two operational managers. So you might have trainers from the prisons coming in or just people who governors would release.

So you would phone a governor and say: could you release a manager for a panel of interviews next week?

And of course the governors would release the people that they valued the least.

LADY SMITH: These panels would be interviewing people for a wide range of prison jobs, would they?

A. No, just prison officer jobs.

LADY SMITH: Just prison officers?

A. Yes.

LADY SMITH: So they are interviewing people to work on a daily basis, face to face with prisoners?

A. Yes.

LADY SMITH: But, at that time, nobody on the panel would be themselves working face to face with prisoners or necessarily have experience of that?

A. Oh, no, no. I think most -- I think two of the three would have come from prisons.

LADY SMITH: Okay, right.

A. And would have had a lot of operational experience.

LADY SMITH: But not contemporaneous?

A. No, well, they tended to be the older managers.

LADY SMITH: Right.

A. And as I was saying, they very much typified the old school of thinking.

LADY SMITH: So they are thinking of what it was like in their day?

A. Yes.

LADY SMITH: Just going back to what you say about the assessment of the applications; that's the sifting of the applications, is it?

A. Yes.

LADY SMITH: Thank you. Sorry, Ms Forbes.

MS FORBES: My Lady, thank you.

I think you say when this was happening these panels were looking for people who looked and sounded the part, and there was an emphasis on brawn and physique. We have heard evidence about a lot of prison officers' backgrounds perhaps being in the military; is that the kind of thing you are talking about there?

A. Yes. I can't quote any statistics, and I don't know if you have uncovered any? But certainly a number of staff had been, I think, in the services. But I didn't

actually come across that many. I think this is more of a myth than reality.

But, again, I say that with great caution, because I have not seen any statistics about that.

LADY SMITH: Dan, we should probably tell you that we have heard from two men this week, sitting in the chair you are sitting in now, who worked in prisons, both of whom had a military background, one with the Paras, one from the Marines, and one only retired in 2014. The other retired in 2004, I think.

A. Yes, so I am sure there were a lot of -- certainly some of the governors had been in the military, but not that many.

When I joined, the governor of Peterhead had been in the Army and some of the middle managers that we recruited had been in the military. But I think the key feature of governor grade was diversity, although we didn't use that word. But the incredibly varied backgrounds -- and this was true in England as well as in Scotland -- of governors. No two governors were alike.

In terms of prison officers, I think from the 1980s, when we expanded our recruitment, we were actually recruiting more tradesmen. You know, we were giving them a reasonably good salary and a good pension and

a predictable job, a safe job, a job for life. So they didn't have the vagaries of, you know, being an electrician or a plumber, or whatever. And I think, certainly from my experience, a lot of the staff were people who had been doing trades of one description or another.

Q. I think you also say that male and female staff were still separate at that time, and the staffing wasn't combined until 1991?

A. Yes, that was -- I did a visit to the Dutch Prison Service in 1990, through one of the international fellowships, and I spent two weeks studying the Dutch Prison Service. And one of the features that I noticed was that the staff, male and female, were interchangeable. I knew we were looking at that, but there was a lot of trepidation about making the change. And at that time we were an incredibly male dominated service, very few females.

The governor grade had been brought together way back in -- well, before I joined, and that was how Agnes was promoted to Governor 3, she got there on her own merits on a promotion board. But she and her boss, Lady Martha Bruce, who died just a few months ago, they were female governors in female prisons. But that distinction was abolished, I think probably the early

1970s. But it took us 20 years do that with women.

And there was a lot of concern about that, particularly in the early days, when we had a very small number of female staff in male prisons. They were under a lot of pressure.

Q. So was the concern a safety one?

A. I think there were a lot of concerns. Safety, yes, I think that's what the -- most people would articulate. The prisoners would behave more badly towards female staff. There was never any evidence of that. And most people thought it would be the opposite, which transpired to be the case.

The height restriction, the image, the very macho image, notwithstanding the new training that we'd brought in years -- just four years earlier. Still, I think I would have to acknowledge it was still a very macho service, so bringing women into that was going to be problematic.

Q. And I think you tell us that this programme that you devised whilst you were setting up this unit meant that new recruits -- was this new prison officers? -- could come back to the college on two occasions later on in the year?

A. Yes.

Q. For a refresher?

A. Yes.
Q. And -- sorry.
A. Yes, that was to try to reinforce the good practice that we were teaching and to -- also, to send out a message about the importance of training; that training was ongoing. It is not something that you just do at the beginning of a job and then forget about it.

So we were developing lots of new courses and, from that time onwards, we started having a lot more specialist roles within the service.

Up to that point, the number of specialists was very few. But we started creating a lot of different roles, and you needed to have some process of assessing staff for these roles and trying to assess, on the one hand, ability, proven ability. Equally, you are trying to assess potential, which is always difficult, trying to identify people who have the ability to do other jobs than the ones that they have been doing.

So that was very interesting and very challenging.
Q. I think you say -- and you have touched on this already -- that your one regret was that you didn't get involved in the recruitment of staff. You said, you know, you had a lot on your plate, and that would be another thing to add in. But that was something that, when you think back, when you reflect --

A. Yes, and even if I had just got it on to the agenda and got people talking about it, and the dangers of recruiting people in your own image. That perception was just sort of emerging at that time and we just didn't have a debate about who to recruit.

We had a debate about qualifications, and I was always one of those who was trying to improve the basic qualifications we need to be prison officers. And that tied in with another part of the change agenda; getting staff who could write and who would write reports on prisoners, who would write reports on incidents, and to see that report writing was a key part of the prison officer's job. That was a step far too far for a lot of people. They just didn't want to know that, didn't recognise that.

And of course a lot of the cases that went to court, both the operational cases and the human rights cases -- many of which we lost because of poor record keeping. I think it was still a problem when I retired, and I suspect it is still a problem today, getting accurate records and making sure -- managers making sure staff keep accurate records at all times.

Q. I think you talk about record keeping, perhaps particularly when you were later at Polmont, later in your statement, and we might touch on that later on.

A. That was -- excuse me -- a huge issue for a lot of people. The idea that prison officers should be able to write reports was -- I was going to say anathema, that's not quite right. It was just outwith the mindset of a lot of managers. They just didn't think that was -- they couldn't see where the world was going, you know, in terms of human rights, in terms of court cases, in terms of the need for evidence, the hostage cases, the incidents. We were learning as we went along in terms of how to manage a hostage incident, and some commanders kept good records, some didn't. But we learned we had to keep good records.

LADY SMITH: Dan, I suppose that's not just for the purpose of evidence in case you have to be able to show in the future what happened and protect your own position, putting it frankly. But, if you keep good records, they can be learnt from in the future; others can go back to them and learn what worked and what didn't work in particularly difficult situations; isn't that right?

A. Yes, absolutely. But the culture was so negative towards record keeping. It was a hard, hard slog to get this over to people. And of course it didn't affect every prison officer or every governor, but I think it was obvious to me and many others that this was the direction of travel, and if we don't invest in this, we

are going to reap a very negative dividend down the line, which is what happened, sadly, on numerous occasions; our records were non-existent; our records were not consistent, and the courts took a dim view of that, and understandably so.

We were reluctant to really push this.

And I remember the then operations director and myself having a chat, and he wasn't disagreeing with me, but he didn't see the need for prison officers to be able to write coherent papers the way that I saw that. We are talking about the early/mid-1990s.

MS FORBES: I think you tell us that thinking about that time you don't think they put enough resource into the aptitude of candidates to be a prison officer, it wasn't given enough priority.

A. We were changing the role of the prison officer. That's what came out in the 1995 staffing structure review, when we split the officer role in to two, into being residential and operational. And quite -- there is no two ways about it, it was a way of saving money, and that was the objective, but it also helped us to focus more on the residential officer role. And officers who were working with prisoners had to have a new set of skills, and they were being rewarded financially for having those skills.

Because some staff, you realised, "Look, this new world's not for me", and they opted down to being operational officers. And that's fine. That was a call that they made.

But we pushed this. But there was a lot of resistance from the Union. The Union didn't like this at all. They just wanted residential officers being a continuation of the previous officer role.

And we had started initiatives at Dungavel, where we had the group officer, the special unit for staff -- were really heavily involved in prisoner management. A lot of staff were very nervous about that, nervous about the accountability that came with that.

So we had a big challenge throughout the 1990s, and arguably beyond, in changing the role of the prison officer.

Q. So you are talking about a period a little bit later, in the 1990s, when the role of the prison officer was split and it became residential officer or operational officer?

A. Yes.

Q. I think what from what you are describing, the residential officer then was more prisoner focused and facing, whereas the operational officer was then a lower grade, lower --

A. Yes, either had no prisoner contact. For example, if you visit a prison, the staff that you meet at the front of house, they are all operational officers. The night shift became operational. The escorts, the internal escorts, although they did have prisoner contact, but pretty minimal; you are moving a prisoner from the hall to the visits or to the gym, or whatever. So those were -- that was the divide that came in, in 1995. And that gave us a ten per cent saving, at least on paper, which satisfied Ian Lang, the then Secretary of State, and he lifted the threat of market testing.

Where would we be today if market testing had come in? I will leave that question in the air.

Q. I think you tell us you were only in that post for a year, setting up that unit. But you enjoyed that, and at the end of that you were promoted again, and I think that takes us to 1988, where you became Governor at Barlinnie Special Unit.

Was the special unit one of these units that you touched upon earlier that was dealing with more difficult prisoners, or was that something else?

A. Yes. No, absolutely, it was the trailblazer. It was set up in the early 1970s on the back of various issues. One was the abolition of the death penalty, 1965 and then confirmed in 1969. So there was a fear of managing

people who would be doing a very long time in prison and who would therefore have nothing to lose.

So there was a recognition, looking ahead, that a group -- it could be a very small group because very few people were hung, but particularly it reduced over every decade. But it was still obviously a massive issue in terms of the media.

There also had been the razor gangs in parts of Glasgow in the 1960s. And the young men -- and they were all young -- had congregated in Dumfries and were proving a very difficult group to manage.

And then there were certain individuals, notably Jimmy Boyle, [redacted], later Hugh Collins. But certainly [redacted] and Boyle were proving very difficult prisoners to manage at Peterhead. They were violent, they were aggressive, and they were in and out of segregation.

And there was a special segregation unit at Inverness Prison, which is a tiny prison, a very small prison, but they had a small segregation unit there which had the very -- well, to put it mildly, the very unfortunate nickname of "the cages". And Boyle and [redacted] were in there a lot, and they attacked the staff. One officer lost an eye in an incident there.

So that was the background for the special unit.

Those three factors.

And for once we had some very forward thinking, progressive people at the time. There was a psychiatrist, a civil servant, and a governor who saw what was coming, and the idea was to create a special unit. It was originally going to be at Perth, but the ground at Perth that they had identified didn't -- wasn't suitable. So they took over what was then the female unit in Barlinnie Prison and that became the special unit.

One of the first mistakes was calling it "special". Nobody now, in hindsight, would think that was a good idea. If you call something special, then everybody in that unit thinks that they are special; staff; governors; prisoners.

LADY SMITH: And Jimmy Boyle became famous for another reason while he was there, by writing a book.

A. Yes, and his sculpture, and they did -- brought in a lot of artistic people, Joyce Laing, an incredible lady who just died fairly recently, incredible lady, and one or two other people.

So it established, very quickly, as an artistic colony, for want of a better term, a therapeutic unit.

There was a similar mental health unit in the Borders at that time, so there was a little bit of

cross-over in terms of thinking. Staff were all volunteers. Prisoners were in effect volunteers. The only person who wasn't a volunteer was the governor. He -- until the very end, they were all males. We were given no choice.

MS FORBES: Thank you. You tell us you were there for three years before you were transferred to Greenock Prison in 1991, which I think at that time had been rebuilt and modernised, having been the female prison before Cornton Vale.

A. Yes.

MS FORBES: And I think you say that had been a long-term prison and then a prison for young offenders and then became a local prison.

My Lady, I might have an issue with my computer telling me it wants to restart in 15 minutes, but I think I can probably continue.

LADY SMITH: Keep going for 15 minutes.

MS FORBES: I should be okay, I think. It has a countdown on it.

LADY SMITH: This might be the threatened upgrade that will just kick in. Let's keep going until it tells you you can't keep going any longer, and then I think you will get an opportunity to delay it. I think.

MS FORBES: Hopefully. We will see. I will continue.

LADY SMITH: Thanks.

MS FORBES: So you were at Greenock, then, and I think you tell us, at paragraph 23 of your statement, that there was an issue whilst you were there with suicides, and it really caused you a bit of an issue. You say that was something that scarred you.

They did have young offenders on remand there, like some of the other prisons, but the suicides when you were there were middle aged men.

A. Yes, it was a very difficult time. The causes were different. There was no -- eventually there was a theme, which was drugs, at Greenock. The drugs scene in Greenock changed, and you could almost map it going down the M8, from Glasgow to Greenock, but that was more in my final year. And my successor had to contend with that. We had a lot of drug related deaths.

But, in my case, we had one or two remands who died. We also had two quite high profile male prisoners, long-term adults, who realised, probably, they weren't going to get out for a very long time, and that was a sad realisation on their part. One had just unbelievably -- I put him out on a special escorted leave and he absconded. And the officer -- the way SELs worked, it was volunteer staff who would take a prisoner out without handcuffs, and just on a trusted basis. And

I always felt uncomfortable with that for the staff. You know, I thought we were putting staff in a very difficult position. However, the staff volunteered, and nine times out of ten it went fine.

But this guy absconded and the officer was distraught. The day after he was in my office and he was inconsolable. And although it wasn't his fault in any way, he saw it as his fault.

Anyway, he was recaptured within days, as invariably they are, and he came back to Greenock, and he realised, I think, "I have blown it". You know, "The Parole Board are never going to let me out now", and he committed suicide.

There was another chap, who again, I think, realised, "I'm not going to get out any time soon". All very sad and traumatic for the staff involved.

It can be traumatic for prisoners. A prisoner, if there are two in the cell and one commits suicide, you can imagine the impact on the other prisoner.

The other prisoners, the friends of the prisoner, the family. I learned a lot at that time, how to cope with the families and how to deal with the families; that was very difficult and you just didn't know what was coming your way. But it was important to try and help the family as best one could. What that help was

varied from family to family. But what emerged for me -- what the best approach was, finding an officer who knew the prisoner very well and introducing that officer to the family. And that, I think, went a long way in helping the family. They realised he wasn't just a number; he was a person and he was known as a person in the prison. And that, to me, was vital.

It could be a gallery officer; it could be a works officer; it could be a nurse. I used nurses occasionally. And I always did it with -- and I was very careful with staff, I said, "This is going to be very difficult. If you don't want to do it, there's no compulsion. Walk away". But I never had an officer refuse to do that. They, like me, realised that they could help the family come to terms with this unexpected tragedy.

Q. I think you tell us later in your statement that you made a point of just making yourself available to families in that type of situation, so that if they needed to speak to you, even if you weren't able to give them any answers, you were there?

A. Yes, first thing, clear your diary. Anything the family wanted. I had a family once where I said, you know, "You can come up any time and I will see you", and the reply was, "We will be up in half an hour". That

surprised me. Normally, it is later in the week. So all families are different. Difficult to generalise.

It is not difficult, but it is dangerous to generalise, and you just have to accept that every situation is different. But the importance is of the governor to be available and to spend time with the family.

Q. And you tell us that you stayed at Greenock for five years before you were then promoted to becoming Governor of Polmont, in 1996. I think we will come on to look at your time at Polmont in a little bit more detail. But you stayed there for eight years before you took up a post as the Deputy Director of Prisons; is that at the Scottish Prison Service headquarters?

A. Yes, yes.

Q. I think you also then tell us that you became Governor of Edinburgh Prison between 2006 and 2008, and then requested a transfer. I think you say for the first time in your career you requested a transfer, to Glenochil. You were Governor there in 2008 to 2012.

I think you then go on to tell us that you thought -- well, at that stage, I should just say that Glenochil was no longer housing any young people?

A. Yes, they had long since gone.

Q. So it was only adult offenders that were there at that

time. I think you envisaged your time at Glenochil being the time until you retired, but actually what happened is you were asked to be Acting Director of Prisons, and you did that, I think, between 2012 and 2014, when you did retire. I think it was January 2014; is that right?

A. Yes.

Q. I think you tell us that was the 38 years in the Prison Service, starting in Perth and then going through the various places that we have talked about.

You tell us, at paragraph 27, that you feel like you had an interesting and, for the vast majority of time, enjoyable career and you looked forward to going to work and working with staff and colleagues?

A. Yes, absolutely. I was very enthusiastic about the service and remain so.

Q. So I think you go on in your statement, paragraph 28, to talk about a section on attitudes to young offenders. I think this is you talking here about whether there were specific training courses geared towards dealing with young offenders. You tell us that back then there wasn't. That in actual fact, when you joined in 1975, the hierarchy was women, young offenders, long-term adults, short-term adults, and then remand.

Then, ten years later, women and young offenders had

dropped way down the pecking order and really the interest was all about long-term male adult prisoners for quite a period of time?

A. Yes, that's not written down anywhere, so you will have to take that as a subjective view on my part. But I think most people would accept that overall assessment.

Q. You name a couple of people that in your time you saw as being individuals who prioritised young people, and had come forward with some new thinking. But, unfortunately, they hadn't geared anyone up to take their place. So, when they went, that interest in young people in the Scottish Prison Service seemed to diminish?

A. Absolutely. And of course the numbers dropped dramatically after borstal was abolished in, I think it was 1981, and the detention centre as a separate sentence went as well, the numbers of under 21s in custody dropped considerably. And the focus very quickly moved on to long-term prisoners. And of course with the troubles in the mid-1980s, that was absolutely reinforced.

But, yes, I never worked with either Charles or Gordon. Well, I very briefly worked with Gordon Neave, but only very briefly. That is when I did my

three months as an officer. So, as an officer trainee, I had absolutely no contact with the governor whatsoever.

But yes, nobody really came up behind them as champions of young offenders.

And with women, well, Lady Martha was the champion, but nobody really came in her wake, because most of the women governors that did come in -- and we had a number of very sort of -- I hope this doesn't sound patronising, but very able and talented female governors, they did not want to work with women; they wanted to work with men. And it was always a struggle to get people to go to Cornton Vale at every level, at middle management level, at senior management level. Cornton Vale was not a popular posting.

So the number of governors came and went at Cornton Vale, a number of governors came and went at Polmont.

Dumfries was slightly different. But the sort of intellectual interest in female offending and young offender offending evaporated in the 1980s, and it came back a little bit in the 1990s, when there were new studies on female offending. Nancy Loucks pioneered a lot of incredibly important research into female offending in the mid-1990s, so some people became very enthused by that, but not many.

And interest in female offending, as it continues, comes and goes. At times you have a huge amount of public interest in female offending and then it suddenly evaporates and then it comes back again. This has been a pattern for, I think, 30-odd years.

Q. You have mentioned there, Dan, that the population of young offenders decreased and you talked about the borstal sentence not being available any more.

There was a time when there were the three options available. You could go to a Young Offenders Institute, you could have the Glenochil Detention Centre, which was a three-month sentence?

A. Yes.

Q. I think we have heard evidence about eight weeks, five days and a breakfast or something like that for the detention centre, and you had the borstal training, which was a two-year sentence. But I think you tell us in your statement -- and we have heard evidence about this as well -- that it was invariably a lot less than that, perhaps about nine months.

But two of those options, two out of the three disappeared, and then there was only the young offenders?

A. Yes. Sadly, we have no research on the time in the 1970s, and I vaguely meant to interview Charles Hills

and try to get his thoughts on Polmont, because he was the -- historically, the longest serving governor at Polmont. And for some reason, I don't know why, he never wrote up his experiences on that. They would have been invaluable. And nobody else did.

There has been a little bit of research on young people, but it is often linked to suicide or mental health problems, addiction problems.

When I went to Polmont in 1996, I realised I knew very little about my population, and I did -- with the support of the head of research, we did commission training -- we did commission research into who our young offenders were, and this was done by the University of Stirling. And that was the first real substantial piece of work that we had on who the young people in custody were, what their backgrounds were.

And of course it told some people what they already knew: a lot of young people had been in care; a lot had truanted from school; a lot of them had poor literacy levels; no work skills of any note.

But it was useful to have that in a formal research project.

Q. I think you tell us in part of your statement -- that you also said quite a lot of them were from the same parts of Glasgow?

A. Yes, very much urban dominated, and a lot of tension between the tribes, for want of a better term. I don't know if I -- did I mention in my statement the youth workers?

Q. Yes.

A. Yes. That was a really interesting way of challenging this tribalism. And I sat in on one of the classes because the lads had just come in and she had them in a semicircle, and she asked them, just simply: what are the three best things about your home area and what are the three worst things about your home area?

Surprise, surprise, all the same. And yet they just didn't realise that. You know, they thought their area was special, was different, and their experiences were equally special and different. So that was a way of bringing young people together.

But I wouldn't want to exaggerate how effective that was, but it was a way of addressing this underlying climate of tribalism.

Q. Because I think you say that was something that was happening in Polmont in a particular; was it one of the wings? Was it the West Wing?

A. Yes, one wing, as they were called in Polmont when I went there, wings, an English term, or a public school term, perhaps. But Polmont was the only prison in

Scotland that had wings as opposed to halls.

So the wings, there was one wing called North Wing, and it was seen as a Glasgow wing. And heaven help the non-Glaswegians who ended up in that wing. So --

Q. I think later in your statement you tell us that there was a particular incident that happened when quite a few people from the Glasgow area in that wing were released back home, and the balance of power, I think as you described it, shifted and there were some issues, I think?

A. Yes, it wasn't serious, but it was a bit of revenge on the part of the non-Glaswegians. They saw an opportunity and they took it. Thankfully there were no serious injuries, but it was a bid for power and a bid to demonstrate power, and to tell Glaswegians: you are not going to rule the roost forever.

Q. Just before we come into some of the details about Polmont, there is a part of your statement where you talk about Dr Chiswick's working group on suicide precautions at Glenochil. We have heard some evidence about that.

I think, from paragraph 33 in your statement, you talk about the fact that you recall that publication, but the view seemed to be at that time, from your recollection, that it was really specific to Glenochil

and didn't really have a wider application to the Prison Service as a whole?

A. Yes, sadly, and that turned out to be completely wrong and very shortsighted. But that was -- I think that was the reality. There were issues, perceived to be at Glenochil, issues with young people, and it didn't spark off a wider debate about suicides.

That came later. That came about five years later at Barlinnie, when Barlinnie had a spate of suicides. And the then governor -- when I was the Special Unit Governor, and he thought I had plenty of spare time on my hands, running a unit of six, seven or eight prisoners. I must have had plenty of time, when he was running a jail for 1,500. So there was a slight imbalance in our areas of responsibility.

So he, rather than get headquarters to do it -- they weren't interested -- he set up a team to look at suicide prevention and I chaired that team. And I had a psychologist from Stirling University, I had one of the doctors. They had three full time doctors at Barlinnie at that time, I had one of the doctors and a member of staff, and we did some serious research into suicides.

And we went to Strangeways, in Manchester, and sadly the day we arrived they had a suicide right during the

night. We went to Risley, which had a very bad reputation for suicides. So we talked to the staff at Risley and I wrote up my report, which was warmly received by the governor. I don't think it was warmly received at headquarters, because I received no recognition and I would have been the obvious person to have -- you know, to start drawing up a national policy, and I was just ignored. So that slightly surprised me. At the headquarters.

Barlinnie appreciated the report, and it was very difficult to do things differently in Barlinnie, certainly at that point. But the governor was very focused on it and he recognised he had a problem.

Q. Was that report that you are talking about; was that in the early 1990s?

A. Yes, yes.

Q. But, from your point of view, nothing seemed to come of that?

A. Nothing happened. And the person who probably should have taken it up at headquarters, subsequently I fell out with him.

I don't fall out with many people, but I think he fell out with me. Something to do with that report, as I recall, but I can't give you -- sorry -- any detail about it.

MS FORBES: I am about to move on to ask you some questions about your time at Perth Prison. I don't know --

LADY SMITH: I think we should take the morning break now. It will also give you a chance --

MS FORBES: I have dealt with the issue.

LADY SMITH: Well done. We will take the morning break now, if that would work for you, Dan.

A. Thank you very much.

(11.28 am)

(A short break)

(11.49 am)

LADY SMITH: Dan, are you okay for us to carry on?

A. Yes, yes, absolutely.

LADY SMITH: Thank you. Ms Forbes, when you are ready.

MS FORBES: My Lady.

Dan, just before we had the break I was about to move on to talk about your time at Perth Prison. You start telling us about that in your statement, at paragraph 38.

This is where you did your training. You were an assistant governor under training and then assistant governor, and so you are fully established as an assistant governor in 1977. We have already talked about the fact that you stayed there until 1981.

So this was a multi-function prison, as you have

said, and you were responsible for A and C Hall; is that right?

A. Yes.

Q. In C Hall, there were four floors and I think you talked about one of them, one of the floors had category A prisoners, including Robert Mone, who you talked about a little bit earlier.

The second flat was for remand prisoners of all ages, which included the young offenders; is that right?

A. Yes, yes.

Q. I think you go on at paragraph 41 -- you touched on this earlier in your evidence, but you said the conditions in the prison were dreadful. The condition of the cells were poor and there was no dining by association in C Hall. So prisoners had to collect their meals on a tray and take them back to their cells?

A. Yes.

Q. And you described the young remands as having single cells or shared cells, depending on the numbers. And you say that you managed to get a post upgraded to senior officer in charge of the second flat; that was the one with the --

A. Yes.

Q. -- young remands? Why was that? Why did you think that was important?

A. Well, I thought looking after the remands was important, and recognising that, you know, everybody comes into prison for the first time once. So we tend to assume, sadly, at every level in prisons that everybody has been in prison several times.

But that can't be the case, so we need to recognise that people are in for the first time. They will have their own issues. Remands are a varied group. They are worried about their future. They don't know how long they are going to be on remand. They don't know what's going to happen to them. It may be their first time away from their families. So a lot of uncertainty.

And again, I thought there was more of a management role in managing that flat than there was on the other flats, and that was accepted by my governor.

Q. So the other flats, then, wouldn't have a senior officer?

A. No.

Q. Okay.

A. There was only one senior officer for the whole hall, and then we had one senior officer on the second flat. So it was actually a big step up, having another senior officer.

And again, it was a signal to everybody that remands are important, because traditionally remands were not

seen as very important. And we had to, again, I thought, change the culture, you know?

One of my colleagues -- I don't know if I mentioned this elsewhere -- who you have had giving evidence, Alec Spencer, he created a stir in Edinburgh when he set aside the new hall, the first of the new halls in Edinburgh, in Glenesk, he turned it over to remands. A lot of people -- that was probably the late 1990s/early noughties, that was a remarkable step, and I am sure -- well, we have discussed it a little bit. But I am sure at the time he got a lot of criticism for doing that.

Q. And prior to him doing that; were the remands then just mixed in amongst the general population?

A. No, they were always kept separate. But, again, you don't know the numbers. The numbers can over flow into the convicted.

But, you know, every officer knew that the remands were different, had to be treated differently.

Q. I think at paragraph 41, it is interesting that you say there that remands were seen as the Procurator Fiscal's responsibility?

A. Yes, it seems very curious now, looking back. But any request that a remand prisoner came to me with, I had to tell them: well, you have to write to the fiscal.

"I want a hair cut", "Write to the fiscal".

"I want to change my appearance", "Write to the fiscal".

And it was just a way of avoiding responsibility, and nobody really wanted to accept responsibility for remands.

LADY SMITH: Sorry, how is it that the fiscal had the power to say yes or no to, for example, a hair cut?

A. Well, exactly. It was just a way of delaying. There could be, in the extreme case, if you are changing your appearance and you are going to court and identification is part of the evidence, but I would have thought that would be a very unusual or remote possibility.

LADY SMITH: Hair grows. So, if they are on remand for quite a long time, their appearance would change anyway. It wasn't to do with the allocation of funding coming from the Crown's budget because the person was awaiting trial, rather than the prison's budget, was it?

A. Well, I just don't know what the thinking was. To use that dreadful cliché: it was beyond my pay grade.

So I just accepted it. Although I did think it was nonsense. But, you know, who was I, as a very junior assistant governor, to change the system?

LADY SMITH: Was anybody allowing for the fact -- and it is a fact -- that a remanded prisoner is innocent of the

charges they are facing? And statistically, I think I am right in saying, 100 per cent of them will not be convicted. A number of them will be acquitted.

A. Yes.

LADY SMITH: Was any regard given to that?

A. Not really, to be honest. Remands were remands, and it just depended on -- certainly, when I was at Greenock, we had a lot of remands and we did try education, and tried to give them some access to education. And health.

By that time, health was emerging as a huge issue for prisoners. But there wasn't -- the inspectorate -- the chief inspector of prisons, every now and again, would make the point you have just made, and would comment either positively or negatively on a particular prisoner -- sorry, on a particular prison's approach to managing remands. It tended to vary.

But there is no -- if I can digress, there is no pressure group or there is no organisation that looks after remands or campaigns for remands. Plenty of groups will campaign for certain types of offenders and whatever, but there has never been an organisation that has been set up to look at remands. I have made that recommendation in one or two consultation exercises that I have been involved in, particularly to do with the

numbers. Because nobody takes responsibility for the numbers on remands. And through my links with SASO I talk to a lot of Sheriffs and fiscals and occasionally judges, and I get totally different views from them as to why there are so many prisoners on remand.

And the attitude of the Crown, people give me different analysis. But there is -- nobody is standing up -- the inspectorate, maybe, would be the obvious body, but they don't take a particular interest in remands.

So, you know, my view, for what it's worth, is there should be some body who has responsibility for remands, for the conditions of remand prisoners. Looking at the numbers, why numbers go up and down, why -- well, there are lots of questions to do with managing remands, but nobody sees it as their responsibility.

LADY SMITH: Yes. I think I know what your answer to my next question is, which is whether people think about the fact that being remanded pending trial is one thing, but carrying on being remanded during a trial, and possibly a lengthy trial, can be an increasingly stressful time for the person who is remanded in custody. It is very difficult; isn't that right?

A. Particularly if it is a high profile case.

LADY SMITH: Yes.

A. I won't mention names, but I can think of one very high profile case I had at Edinburgh where the prisoners were transferred from Barlinnie, and there was a lot of public concern about the case, and that transmits itself to the prisoners.

LADY SMITH: Yes.

A. And the last thing you want is to put a remand prisoner on protection. But sometimes you have to do that because you are trying to be proactive in preventing trouble, but it is still a big step to take, and the prisoner might accept the logic of it or he might not accept the logic of it.

LADY SMITH: Yes. Thank you very much, Dan. Thank you.

Ms Forbes.

MS FORBES: Dan, when we are talking about remands, these are people who are denied bail, remanded in custody pending trial. Then, after there is a conviction, whether by a trial or by at some point a plea of guilty, they are no longer classed as remands; is that right? They are convicted prisoners; would they be moved then, if they are awaiting sentence, to the general population or would they be kept in with the remands?

A. It probably depends on local circumstances. If you are talking about those who have sentence -- are awaiting sentence, in most cases they are still treated as

remands.

Q. Okay. So there are two types; yes?

A. But I wouldn't say that happened in every case. There would be an assessment, particularly with a high profile case, there might be issues. If there is co-accused, you know, a judgment will have to be made about: do you separate the co-accused or do you keep them together? And any tensions between the co-accused.

One area where we have improved dramatically is about intelligence and trying to gain intelligence, and use that intelligence in order to prevent any assaults or any incidents. And you rely a lot on the police.

The police want intelligence from you, but they don't want to give you intelligence back. So it is often a one way street, unfortunately.

Q. I think the differences as well about remands, that you tell us about at paragraph 42, is that people on remand are locked up nearly all day, so they don't normally get work opportunities. So they are not then getting out of the flat. And they don't go for education, or they didn't at that time go for education, unlike a convicted prisoner, who would be able to be allocated to a work party and undertake educational courses?

A. Yes, it very much depends on the resources of the prison. At one point in Greenock, we did have resource

that we could put into remands. It didn't last very long.

And remands -- well, it is dangerous to generalise. It is very easy to generalise. But I don't think many remands really want to do very much out of their cell. They are quite -- they just want the time to pass quickly. And the health -- as I said a minute ago, health is very important, and getting proper healthcare for many of them, particularly if they had addiction issues, and making sure that there is some ongoing treatment, which is a challenge for the NHS to keep track of people. So addiction issues, health issues, became more and more important.

Q. I think at that time the health within the prison was -- there were prison officers who were nurse officers or the like and doctors who would come in from outside the prison; is that right?

A. Yes, the doctors were part time and from a local practice. Except in Barlinnie. Barlinnie had, I think, three full-time health officers, doctors, but every other prison it was part time.

Q. Obviously, that has been a change now that the NHS have taken over the provision of healthcare within the Scottish Prison Service. But, at this time we are talking about in Perth, that wasn't the situation?

A. In terms of provision of medical coverage, I don't think it has changed that much.

What has changed is a phenomenal number of nurses, and practitioner nurses, even advanced practitioner nurses, in the service, and I think we led the way in terms of triaging patients.

I think before the NHS took over, I think we were well ahead in terms of triaging and we were very much a nurse led service, which I think some people would argue is the way society ought to be going, but that's maybe another subject for another day.

Q. And you tell us as well that these prisoners had an hour's exercise and you would try to bring recreation in for them, but the facilities in that hall were much worse than the other three halls, with only a small recreation room?

A. Yes, this was in Perth. Yes, the C Hall. There was a hall -- there was a room, just off the hall, where we could do remands.

And television in those days, people had to watch one television in a large room and they would have no say in which programme they were -- what they were watching.

Q. Quite a small television as well?

A. Well, yes.

Q. Compared to what we have now.
A. Absolutely, yes.
Q. And you tell us that the young remands could get visits, and they could get daily weekday visits at that time, but you don't think that any of them got anything near daily visits. But it was available?
A. Yes, absolutely. But, again, I don't think anybody kept any statistics at that time, so this is intuitive on my part. But I don't think they would get that many visits.
Q. And you mentioned this earlier in your evidence, Dan, but you said that whilst you were in Perth a lot of your day-to-day occupation involved preparing reports, custody reports for remand prisoners who were under the age of 21, and "prisoner orientated case work", you describe it as, at paragraph 44.
A. Yes. I spent much of my day at Perth just writing reports. And I must admit I quite enjoyed it. You are interviewing a prisoner at some length. It was -- depending on the numbers, I would do one or two remands in the morning for boss reports in the afternoon. And that was my job and I enjoyed it, and I found prisoners generally very open and very happy to talk about their lives.
Q. And I think you tell us that sometimes would involve

sending out forms to a school, if the young person was still at school or had recently left, or writing to social work, if they had social work involvement. But the time period involved in writing these reports was quite tight, so it meant that, really, you were looking to get these things back quickly and for the report to be prepared in time?

A. Yes, it was a very tight timescale, but people by and large followed it.

The forms were -- I thought were way out of date. I remember trying to upgrade the forms and I was told, you know: it's not your job, just carry on with what you have got.

But, occasionally, you might not have a report, but you would just say that in your report to the Sheriff, and the Sheriff would make whatever allowance he -- and I think they were all male Sheriffs at that time -- what he -- whatever allowance he would make for the absence of a particular report.

Q. And within that report you would make a recommendation, and we talked about the three options, the Detention Centre, the Young Offenders Institution or Borstal Training?

A. Yes. We -- certainly at Perth we had to be very careful. We generally knew which court the person was

going to. Sometimes the Sheriff and some -- this is all very anecdotal and informal. But we were sort of led to believe some Sheriffs wanted a more direct recommendation than others, so you came up with forms of words to avoid making a direct recommendation, in case that was stepping on the toes of the Sheriff. But you would make an argument for whatever disposal you thought was the most appropriate.

I don't think I mentioned this, but once I got into terrible trouble. I did slip and I said in my report words to the effect that I couldn't understand why this chap was in court and had been on remand. And the Sheriff took a very different view to mine and castigated me publicly, and my colleagues in Perth took great joy in bringing to my attention the report in the newspaper that the Sheriff had criticised the nameless assistant governor, who had made a completely inappropriate recommendation.

Q. And I think you tell us that your view -- and you still have this view at the time of the statement in any event -- was that a lot of Sheriffs, in your view, used to use remand as a punishment?

A. Yes, I am absolutely certain of that. But I have never met a Sheriff who would agree with me, and they take great offence whenever I suggest that. It is complete

denial.

Q. I think, just slightly earlier in your statement as well, you talk about young people on remand getting a taste of prison, and throughout your career in the Prison Service you came across people who believed in deterrence, and that you could deter individuals from doing what they would otherwise do because of the consequences of their action, but you are a sceptic in that regard?

A. Absolutely. If there is one word in the English language I would like to abolish it would be "deterrence". But a lot of people in politics and in police and judiciary feel very strongly about deterrence. But I see no evidence for deterrence, and I think, well, the obvious example is smoking. You know, we are down to, what, maybe 20/25 per cent of the population still smoke. Now, they know full well that it is going to shorten their life; it is going to make their lives more painful; the end of their life will be undoubtedly more painful than otherwise, but they still smoke. No deterrence whatsoever.

I could give other examples.

Q. In this context, in relation to prison, your view was that you didn't see prison as a deterrence from your 38 years in the Scottish Prison Service?

A. No. Prisoners, by and large -- there are exceptions, particularly with sex offenders and murderers, but by and large prisoners don't think they will get caught.

Now, the evidence may be overwhelming that they will get caught whatever they do, whenever they step out of line. But every single prisoner I know thinks, whenever he is planning whatever crime he is planning, he won't get caught. So deterrence doesn't come into it. They are quite convinced that they will get away with it and the idea that on a Friday night, before going out, that they are going to study the Daily Record all week to see what the Sheriffs have been saying and what's been reported in The Sun or the Record is nonsense. But people think deterrence works.

The two classic cases where the advocates of deterrence would claim that it was successful, one was the razor gangs that I mentioned earlier. That -- they claim that the reason the razor gangs stopped was because of very heavy sentencing.

Now, I think razor gangs stopped for all sorts of reasons. Sentencing may have been one factor, and they were given, by the standards in the 1960s, very heavy sentences, but I am not convinced that deterrence really played much of a part in that particular crime dying out.

And the second case is often The Great Train Robbery. That, again, the offenders there were given massive sentences by any stretch of the imagination. Hey-ho, no more great train robberies. But was it just down to sentencing? I would suggest not. But those are the two examples that I have heard advocates of deterrence use.

LADY SMITH: Dan, I suppose you also will never know how many people in the population are behaving themselves and being influenced by the fact that, if they don't, they could end up in prison.

A. Yes.

LADY SMITH: You can't record that, can you?

A. No, no. And no doubt --

LADY SMITH: And yet the fact of the risk of prison may deter people in the wider population from committing crimes.

A. Yes, I accept that. But I think people, if they are deterred by that, they will be deterred by other things. They will be deterred by the loss of their family; they will be deterred by the loss of a job; they will be deterred by the loss of income. It is not just the thought of imprisonment. If they are seriously contemplating crime, they will weigh up a lot of factors.

LADY SMITH: Those are, of course, necessary consequences of being put in custody. I am sure we could debate this --

A. Yes, I would be delighted to debate it in a different venue.

LADY SMITH: Thank you.

MS FORBES: Dan, you talk in your statement, at paragraph 48, about complaints. You say that you didn't get any complaints from remand prisoners at Perth, and there was next to no incidents. The under 21s and the over 21s there seemed to mix quite easily, and that if a prisoner wanted to make a complaint he could ask to see the governor, which would be yourself. And if they didn't like your response, they could petition the Secretary of State.

The process you have described there was, you get a piece of paper on which to write the complaint and it would be sent to Edinburgh and would be read and answered by civil servants in Edinburgh, who usually gave the same response as the governor had given, but complaints weren't commonplace.

So I think you say there wasn't really a complaints culture and people weren't encouraged to complain. I think you accept that description, this was something that would have to be put in writing in the first instance; it wasn't a verbal complaints system?

A. Well, no, the prisoners would complain verbally. They would go on what we would call "on request" in the morning and a governor, or a hall governor, would go into the hall early in the morning and deal with requests.

Now, requests, as the name suggests, could be a request for an initial visit or something like that, but also could be a complaint about something or other. But, generally, they didn't complain very much. It was a very -- for the most part, prisoners are very passive. They accept their lot. As long as they feel they are being treated fairly.

Now, "fairly" in inverted commas. But they have their own perception of fairness. If the staff and the management are fair, prisoners will accept almost anything. But, as soon as they think management and the staff are not being fair, that they have favourites or the allocation of resources isn't appropriate, or maybe an incident has happened that they think wasn't handled properly, prisoners will show their displeasure. But, as I say, for the most part, they accept their lot.

Q. I think this formal complaints process, though, as opposed to the verbal request that you talked about, that formal complaint process had to be in writing?

A. Yes, yes.

Q. And I think --
A. Yes, if they didn't accept the hall governor's response, then they would say, "Put it in a petition", and that didn't change until, I think, the early 1990s. And that was a big change when we went to an Independent Complaints Commissioner.
Q. Then you told us about the research that was done, that was commissioned at Stirling University, and it talked about the background to some of these young offenders. One of the issues you talk about in your statement that came out of that is the fact there were literacy issues.

So you would probably agree, for a young person who had literacy issues, the fact that a complaint had to be put in writing would potentially be a bar to them taking that route?
A. Oh, absolutely, absolutely. And yes, that's without doubt very true. And when Jim McManus became a Complaints Commissioner, he commented regularly in his annual reports how few complaints he got from women and young offenders.

Although they were a very small percentage of the population, but they were an even smaller percentage of the complaints that he was dealing with, and he thought that was sufficiently important to be highlighted in his annual reports.

Q. And I think you do say in your statement that -- what your view was, that these young people were sometimes apathetic, and in fact those that were on remand were more concerned about potentially what was going to happen to them, rather than the conditions in the prison at that time?

A. Yes, yes. Certainly at Polmont, when I would be doing my rounds and talking to them, they were very reluctant to make any complaint. I would try and gee them up, say: look, there must be something you are annoyed about. Come on, tell me, what's really bugging you?

And of course they would look at you in horror and think you are at it in some way. Then, eventually, they would accept that I am being serious, and then you would get something from them, which was actually very useful to know. But, by goodness, it was hard work finding out.

Sometimes issues were very subjective, you know, food. Food's a big issue. So that's very subjective. The amount, the quality, the range, the variety. The visits, occasionally, but they didn't complain much about visits.

One of the issues I remember when I did push them was about the quality of prison clothing that we were issuing at that time. We gradually moved to more and

more allowing them to wear their own clothes, particularly in the evenings and at the weekends. But the quality of clothing we were issuing was often suspect, and not the right size.

So I remember getting those complaints from prisoners, eventually.

And you might get issues about the rooms, about what's available in the room. Not everything that should be in the room is in the room, and staff not doing anything about it. So, if I worked hard enough at it, I could get a few complaints. But it was hard work. It was time consuming. And probably, depending on the mood I was in, sometimes I probably wouldn't pursue it.

Q. And we have heard evidence about food having to be tasted by the governor, for example, but him having to make sure that the version that was available to the governor was decent. But perhaps that wasn't reflected when it was meted out to the prisoners in general?

A. Yes, a lot of cynical views about tasting. I adopted different approaches in different prisons.

At Greenock, we created -- my deputy came up with the idea, great idea -- we converted an area just outside the smaller hall and we made it into a dining hall, and it was directly part of the kitchen, so the caterers had to be there delivering the food. That was

a big change. And they were very reluctant: oh, we will be criticised, we will be shouted at.

I said, "Well, if you are happy with the quality of the food you are producing, there won't be any issues".

So that became a seven day wonder. The staff accepted it, the prisoners accepted it, and I would go along and have lunch in the hall and just sit myself down at a table of prisoners, and the reaction varied enormously. I would have one or two prisoners who would just stand up and go to another table. They would not, under any circumstances, sit down and eat a meal with me. Others were delighted, "Oh, yes, come on, Dan", and then they would start on all their complaints about -- or their comments on whatever was going on at the time.

Some of the prisoners came from Shotts. Shotts at that time was almost on semi-lockdown. Some prisoners found it very hard to eat in association, and I had to recognise that; that was a big step for some of them. We thought: well, this is just routine. We all eat in company at home.

Well, maybe not all prisoners eat in company at home. A lot of people, I think, eat on their own at home. So some of your cultural attitudes are challenged.

Then, in Glenochil, I did that. I would choose

a different flat every week, and I don't think I ever had any prisoner stand up and object, but I could see some prisoners were very uncomfortable with me being there. So you just have to play it by ear.

Q. Now, you did mention visits there in relation to complaints. But I think you talk, at paragraph 50, about the fact that there was a survey of prisoners for the first time in 1990. What came out of that was essentially that prisoners wanted better visits, and that was the overwhelming issue.

A. Yes, I think -- it is a long time ago, but my recollection is this was a surprise, that we were all expecting complaints about conditions, but that didn't feature. They wanted better visits.

And as I said, Alec Spencer set up a group that later transformed to 'Families Outside', and there was, maybe for the first time, we being the service, the senior management service, we kept visits on the agenda. We never -- well, at least I don't think we ever said: oh, we've cracked that. We can tick the box and move on.

There were always issues about visits, because visit rooms varied.

Aberdeen Prison -- now thankfully closed -- had a tiny visits room. Even Cornton Vale, the visits room

there was rather small.

So it was an ongoing issue about visits and what made, in the prisoners' eyes, for a successful visit, what did the family regard as a successful visit, and the staff, what were their concerns?

We had to be realistic. Drugs are passed at visits. I can't deny that. We got better CCTV in, trying to watch. Better intelligence. You can put prisoners at certain desks or certain tables, where you have better CCTV. So there are steps that you can take, bringing in, you know, Mothers' Union at Glenochil, they would come in and run a crèche for children.

Prisoners greatly valued -- anybody who was a volunteer coming into a prison was greatly valued by prisoners, regardless of whether they benefited or not from the service. Anybody that was prepared to come into a prison on a voluntary basis, whether it was AA or Gamblers Anonymous, or crèche facilities, or religious groups coming in, prisoners would regard that as very commendable and they would never -- at least I can't remember any case of them abusing that.

A different matter if people are being paid to come in. Then that's a different matter. But, if the people are in as a volunteer, in the prisoners' eyes that was special and they could not be maltreated in any way,

shape or form. That was part of the culture.

Q. Is that because they are seen as not being part of the system?

A. Yes, I think so, and they appreciated that people have choices. You know, if you are a volunteer and you want to volunteer helping prisoners, well, there are other areas you might want to volunteer in, so they appreciate that you are making the commitment to come into prisons.

Q. I think you tell us later in your statement that in relation to visiting, and visiting centres in prisons, that Scotland was quite far behind England, for example, in that regard, and it took a long time before the visitors' centre was really set up. The funding for that, as well, was having to come from voluntary, charitable donations and the like?

A. Yes, we were very, very reluctant to embrace visitors' centres. We start with a visitors' centre in Perth and I was involved in that initiative for a time, and that worked up to a point. And then a big change was Edinburgh; that they had a visitors' centre built there on the outskirts, just outside the prison, and that could, and probably should have been, the model for the rest of the service, but it wasn't. And there was a lot of opposition, and the management view was, if I could summarise it: well, if society wants visitors' centres,

then they can pay for them. It is not the prison service's job to provide visitor's centres. So I am not doing it.

That was, I think, dare I say, repeatedly the chief executive's view.

I ... I had -- when I went to Edinburgh, I really saw how the visitors' centre operated and it had created problems. It wasn't by any means a panacea. There were issues with the running of the centre. There were issues with the families coming in. The fabric of the building was constantly a problem. A lot of graffiti, a lot of damage, a lot of petty vandalism to the centre, which we just had to constantly pick up and redo.

But, for the most part, it worked and it worked well, and I could see, undoubtedly, the benefits of that. And when I went to Greenock -- sorry, when I went to Glenochil -- Glenochil, like Edinburgh, was being rebuilt and there was a building outside the front house, front of house at Glenochil, which would have been a perfect visitors' centre. And I argued for it to be a visitors' centre and I got absolutely nowhere. And the head of the estate said, "It doesn't fit with the new build and the front of house". We are talking about a prison. We are not designing something that's, you know, top of its class. But I couldn't move.

And at that time there was a lot of controversy going on at Cornton Vale. There was a building that could have become a visitors' centre and the then management kept changing their minds: yes, it is going to be a visitors' centre -- no, it's not -- yes, it is -- no, it's not.

One of the Visiting Committee on Cornton Vale was also on the Visiting Committee at Glenochil, and I knew him quite well. And he was agitating, and shall we say I encouraged him to agitate, but to no effect whatsoever.

I don't know if I mentioned this, my little joke with my management team was I was going to be the first governor on the roof of a building to try to protect it. But, of course, the management team said: oh yes, we will be right behind you.

As if. But, anyway, it was knocked down and we have a paltry visitors' centre at Glenochil now.

I chair the charity that runs visitors' centre at what was Cornton Vale, now Stirling and Glenochil, and we have been given a phenomenal facility at Stirling and we have a tiny facility at Glenochil.

Q. So --

A. The change came with the change of chief executive, when Colin McConnell came in from Ireland and England, where

he was used to visitors' centres. He changed the policy overnight and said, "Every prison should have a visitors' centre. Get on with it", and the governors eventually did get on with it.

Q. From what you are saying, Dan, there is still a way to go, still work to be done in that regard?

A. Well, there were two prisons that didn't have visitor's centres, Greenock and Dumfries. They are now getting some sort of service as of -- well, I think it is happening now.

Castle Huntly doesn't need a visitors' centre, being an open prison. Grampian has a excellent facility, that to my mind is the model now, is Grampian.

Low Moss has a different -- it has an internal facility, the same at Shotts. They are all different.

Q. What about Polmont? We are going to come on to talk about Polmont just shortly, but --

A. Polmont is very bizarre. They needed -- the rebuilding of Polmont, nobody ever campaigned for or asked for a visitors' centre. Then we had -- it was after I retired, but I was embarrassed here, thinking I am still part of SPS, and I still talk about SPS as "we" when I am retired ten years. I should have stepped away from that terminology long ago.

But I was embarrassed at Polmont. They came up with

a bus, a double decker bus that was parked in the car park outside the prison, and this was a visitors' centre. A bus! And then there were issues about moving it and looking after it. And, oh, so I am not -- they did change the visitors' centre internally at Polmont, but that should have been designed in, and it wasn't.

Q. So, even when they were rebuilding, it wasn't factored in as an important part of the prison furniture?

A. No. Whereas it was interesting at Grampian -- which I became very involved in when I was Acting Director. That became my overwhelming task, to make sure that Grampian opened on time and opened on budget, and was incredibly complicated on all fronts. We had no visitors' centre. Then Colin said we needed a visitors' centre. But then that became an addition to the contract, which means that the builder calls the shots, so the builder could charge us whatever he wanted to for the visitors' centre, and the figures they came up with were astronomic.

So we were not in a good position in terms of bargaining with the contractor. But we did eventually come to a compromise and the facility -- well, in my view, the model at Grampian is first rate.

Q. Dan, I am going to move on now and ask you some questions about your time at Polmont Young Offenders

Institution and you start talking about that in your statement from paragraph 53.

We have already gone over the fact that you were promoted to become Governor of Polmont in 1996 and, at that time, it was Young Offenders Institution for prisoners between 16 to 21, albeit you do talk about the fact that there were people there younger than that on unruly certificates.

You say that the numbers varied and started to go down overall during your time there. Occasionally, you went above 500, but also below 300. So there was quite a range during your time. But you were very rarely overcrowded when you worked there?

A. Yes, yes, that's a correct overview. The numbers did fluctuate, sometimes seasonally. Why we had seasonal differences was always a bit of a mystery, but they have long since gone.

Q. When you say "seasonal"; what seasons are you thinking of?

A. Spring and autumn, numbers went up dramatically. Came down in December, down in January, and started going up again February, March, and come down maybe after -- particularly if Easter was late. You would see a bit of a drop in May, May onwards.

And in fact that analysis underpinned the planning

of our new house blocks, which started in 2003. That they -- I think a quarter of the rooms in these new house blocks were double rooms. So it was either six or seven square metres, as opposed to nine square metres. And the idea was that the double rooms could take more prisoners and that would cope with the seasonal demand.

Because the prisoner population had actually gone down a little bit at the end of the 1990s and the beginning of the noughties. We closed a lot of prisons. We closed Penninghame, Longriggend, Friarton, and later Noranside. So we -- things were looking good from a numbers point of view early noughties. And we had worked out this seasonal peak, and this was the attempt to cope with the seasonal peak; that we would build in additional capacity.

But, as soon as we had started building these, then the rooms were full all the time. The double rooms were full 12 months of the year and then, at times, we started doubling up the single rooms.

Q. Was there any view as to why the seasonal increase would happen?

A. Well, I think it was due to the prevalence of courts, and gradually, as the courts became more efficient and more -- probably more courts and running more often, and the pressure on the courts, holidays became less -- more

courts were running more of the time. So that's my understanding of why that --

LADY SMITH: That would fit with that era, Dan, and your peaks and troughs may well have been broadly in line with the peaks and troughs in court disposals, but I am not sure anybody was looking at whether there was any symbiosis between them.

You are right about getting to a stage that criminal courts just sat continually, began to sit continually without breaks, without having circuits and gaps in between.

Ms Forbes.

MS FORBES: My Lady.

I think you tell us a little bit about the layout of Polmont at that time, and we can read that. We have heard some evidence about that, too.

I think you tell us as well, at paragraph 53, that there were residential units within Polmont, and they were named and numbered in different ways. In particular, there was A Wing, which was known as Ally-Cally, and we have heard quite a lot of evidence about that term being used, which was the Assessment unit. So it was A Wing, Alley Cally, and Assessment were the three names. You say there was North Wing, C Wing, East, West and South Wings, and then there was

this External Training for Freedom Unit outwith the prison.

A. Yes, yes. So all sorts of names. Just maybe out of interest, that term "assessment", that was a hangover from borstal, that was the hall where the assessment took place. So it is interesting that that term "the Assessment Wing" or "A Wing" that had lingered on for, you know, 10/15 years.

Q. Yes, I think we have heard that at the time of the borstal training, you would arrive at Polmont and you would be put in the assessment part for a while, before they decided whether you were getting to go to an open borstal or a closed --

A. Yes, yes.

Q. Or would you stay in the closed.

A. Yes.

Q. You tell us that when you took up your post as Governor at Polmont, you were told some time afterwards that they needed someone with some vision, they needed a shake up?

A. Yes, my then line manager, who, funnily enough, was one of the assistant governors that had in effect recruited me, way back in 1975, he was one of the two that spoke. He was very enthusiastic about me going to Polmont. He said, you know, playing up to my ego: you are just the person that Polmont needs and we need. It is a very

expensive prison. It is poor in all sorts of areas. You know, go for it.

But that was as far as he went. He didn't give me any steers as to what I could be doing or should be doing; he just said, "Look, you know, it needs a shake up".

And then my other -- my new line manager, he gave me a totally different message. And he was saying -- he summoned me through from Greenock to Edinburgh, and I thought: oh, this is great, I am going to get a briefing Polmont.

And he just said, "Look, don't ask for anything. I don't know how you've got so much at Greenock, given it was a new prison, and you managed to get all these extras for Greenock. I don't know how you did it, but don't bother trying it with Polmont, got it?"

You know, that was my induction for Polmont.

Q. I think you tell us about your first impressions of the prison estate when you got there was that -- I think you described the conditions in the two halls as being absolutely appalling?

A. Yes, the slopping out was awful, and I wish, again, with hindsight I had done more on that front. One of the chaplains, she spoke to me, and the chaplaincy centre in Polmont was just next to one of the vilest smelling

areas in the A Wing, in the Assessment Wing, and she didn't exactly complain. But she said, "Are you aware of what the situation is there?", and I said I was, "But there is nothing I can really do about it", which she accepted. She wasn't expecting me to have some sort of magic cure. But she just wanted to make sure that I knew what she knew.

But the conditions were pretty poor. And having come from what was then Scotland's best prison, in Greenock, to -- and there were good wings in Polmont. Strange design in two of them that -- I couldn't imagine how anybody approved that design. But, anyway, that was a long time ago, because there was no -- what we are very aware of in prison is visibility and line of sight, and you didn't have that in these two relatively modern wings. It seemed very odd.

But the conditions in the two oldest wings were poor. But -- and I think as I said, the young people didn't complain. Did I give the anecdote? I invited the head of estates through -- did I mention this?

LADY SMITH: What is it that you are thinking of? I might recognise it.

MS FORBES: Yes.

LADY SMITH: This is the head of estate from SPS, is it?

A. Yes.

Anyway, just very quickly, I invited the head of estates through to Polmont because I suspected he didn't know how bad the conditions were, and he brought his deputy with him. And I took him to the top flat of A Wing, and my deputy took the deputy to the other wing, and as it happened a young offender recognised me from Greenock days. And we were chatting, and I said -- I introduced the head of estates and said, "You know, tell him, how would you compare conditions at Greenock compared to here?" And he said, "Oh, they are terrible here, they are awful".

Then, almost in the same breath he said, "But we don't deserve anything better. We don't deserve anything better".

And he wasn't -- there was no angle. That was just a straightforward comment that came out of his mouth. And I always remember that. That was a very telling comment.

And I couldn't have -- if I had tried to stage it, I am sure I couldn't have done it in a better way. It was completely spontaneous, and I think it had an impact on my colleague.

MS FORBES: Was anything done then about --

A. Well, then I think we did get on the agenda for a new build, and we moved on the new build. And it was going

ahead and then it came to a grinding halt, sadly, because of devolution. And the first government, or executive as it was called then, they decided to put money into a new police agency, the drug -- I can't remember what it was called. The Drug Agency. And the money was pulled absolutely from my new build into this new Drug Agency, and end of dream for Polmont.

But it was only temporary, because then, after the court case in 2002, when we were found guilty of breaching a prisoner's human rights, that set in train a huge investment programme in the prison, so -- and Polmont was the first, so we were top of the list, and then the programme expanded and changed over the next ten years.

But -- and it was a different hall. The one we ended up building was different to the one we had envisaged in 1998. But, nevertheless, things moved on.

And it was a lot more expensive. The cost, as I remember, of the 1998 hall was 8 million, and the cost of the new -- the first house block in Polmont was 17 million. So in the space of five years.

LADY SMITH: Ms Forbes.

MS FORBES: My Lady.

So, having been derailed then by devolution, it wasn't until the courts got involved in relation to

a human rights issue?
A. Yes, for which I and many others are extremely grateful.
Q. You tell us about C Wing, at that time in Polmont, which was known also as Carrick House, and you described that as housing young people who were referred to by terms such as "vulnerables" and "bruisables", and these were people, young people, with pretty extreme, you say, behavioural problems.

There was a psychiatrist who spent a lot of his time there, but your impression of it was it was a very caring unit, a sort of therapeutic community, quite small, housing about 18 to 20 prisoners?
A. Yes, that's my recollection. I never visited Carrick House when it was in that situation, so this is very much secondhand information.
LADY SMITH: I take it you must have heard somebody referring to the young people there by these terms, "vulnerables" and "bruisables"; is that right?
A. Well, these were terms that staff still used when I went there in 1996. We had moved to -- South Wing had become the wing for vulnerables, and there was a wide variety of vulnerables in South Wing.
LADY SMITH: To be classed as vulnerable; what did the prisoner have to be, or what characteristics did the prisoner have to show?

A. Possible mental health issues. Learning disabilities. Learning difficulties. Poor social skills. Not coping with others very easily. Not able to make decisions for himself.

LADY SMITH: Yes, I can see that all makes sense.

A. Yes.

LADY SMITH: You keep them away from the main body of youngsters?

A. And often they were at the mercy of gangs outside. They would be the stooges that the gangs would use, and they are the guys that get caught at the end of the day.

LADY SMITH: Of course.

A. The leaders are nowhere to be seen. But those who, you know, aren't quick enough on their feet, literally and metaphorically, they get caught.

LADY SMITH: Yes.

Ms Forbes.

MS FORBES: My Lady. I think you tell us as well that when you were there the culture at Polmont was that surnames were still being used for prisoners and staff, whereas the first names had become the norm in other prisons. I think you tell us later in your statement that that was something that you had a strong view about and something that you brought in, with resistance from some of the staff whilst you were in Polmont; is that right?

A. Absolutely. Polmont had been completely untouched by all the changes in the adult establishments after the incidents, and with opportunity and responsibility, and changes to the role of the prison officer that we have discussed. None of that had percolated Polmont, for reasons I know not. They just -- if Polmont had geographically been Peterhead or Inverness, perhaps you could explain it. But Polmont, next door to the college, young people, potential for change, for growth, there is no -- absolutely no discussion going on about ambition for Polmont or what could we do to help the young people avoid becoming habitual criminals. Very few who had a lot of convictions.

There were a few that had been through secure units and whatever, but a relatively small percentage. Although a percentage that were very obvious in many respects. But it started, the first addressing offender programme, the cognitive skills, that had just started, two officers doing that, but under resourced for it.

Education turned out, I thought, to be very poor, which -- I was expecting the reverse. I thought education at Polmont would be wonderful, and a standard of its own. That was not my experience.

So there were a lot of surprises for me at Polmont.

Q. I think you comment that it was as if Polmont had

an iron curtain around it, particularly with the -- as you say, the training unit, the college was right beside it. But none of these things that were being taught there seemed to have permeated the walls of Polmont.

A. Yes, I had been used to Greenock. There had been a lot of debate going on. We changed the regime. Even when I was there, we had built the new hall. We had taken the long termers. A lot of debate about the regime for top end prisoners.

Staff were very comfortable with the prisoners. Very good face to face relationships. And that was what I was picking up was happening elsewhere, and even Shotts didn't have any serious incidents at that time. Perth --

LADY SMITH: But not in Polmont?

A. Not at Polmont.

LADY SMITH: This wasn't happening at Polmont?

A. No.

LADY SMITH: And Polmont seemed to have allowed the change in policy, such as was reflected in the 'Custody and Care' and 'Opportunity and Responsibility' documents pass them by.

A. Yes, absolutely. And it is impossible to explain; it is even more impossible to justify. Governors came, governors went. Nobody stayed long enough to try to

address the issues at Polmont and it just continued to be an operational prison. In the old speak: get through the day.

That was the objective of everybody at Polmont: get through the day without any incident, and that's success.

MS FORBES: I think you tell us, at first, when you tried to bring in some changes that there was this resistance, and then things changed slightly when it was realised that you weren't actually going anywhere, and when a promotion opportunity came up you didn't take it and you stayed at Polmont, and then you were able to make some headway; is that right?

A. Yes, I think when staff switched on to some of the ideas that I had and changes I wanted to make, they were really just humouring me. They thought, "Oh, he will be off soon. We will nod politely and ignore everything".

And it wasn't a promotion, but when another I band post came up, I didn't go for it.

Q. Transfer?

A. And there was a bit of surprise at this. I was trying to get over the conviction: I am here to stay and I am going to drive these changes, and preferably get on board. If not, there may be consequences.

And that was a very difficult message to convey, and

a very difficult message to implement.

LADY SMITH: Ms Forbes, it is now 1 o'clock. I normally take the lunch break at this stage. I am sure you are ready for a rest, Dan.

A. Thank you.

LADY SMITH: I will rise now, and I will sit again at 2 o'clock. Thank you.

(1.00 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Welcome back, Dan. Are you okay to carry on?

A. Yes, yes.

LADY SMITH: Thank you.

Ms Forbes, when you are ready.

MS FORBES: My Lady.

Good afternoon, Dan. Before we broke for lunch I was asking you some questions about some changes you had made in Polmont and your impressions when you were there.

Just at paragraph 63 of your statement, you comment that you observed a basic desire just to lock up, if not everybody, then the majority; and that's by staff?

A. Yes, there was a culture of just keep them behind their door. As the phrase was, behind the door, and out of harm's way and out of the staff's way. So it was hard

to engage the staff that the young people should be out of their rooms and hopefully engaged in meaningful activity during the day. Whatever that activity was.

We didn't have enough activity in Polmont. We had a reasonable amount.

Our biggest day-to-day problem was court appearances that -- a lot of the young people had outstanding charges and the fiscals kept insisting that they had to come to court. So I think, when there was an investigation, something like 30 per cent of all court appearances were from young offenders from Polmont. We were only about, what, 5 to 7 per cent of the prisoner population. And we weren't staffed to have that number of escorts on a regular basis.

And there were peaks and troughs. There were some days there would be next to no court appearances, and a couple of days later there would be loads. We would have to close sheds to free up staff to do court escorts. So that was very frustrating and annoyed me, and eventually we did follow England and outsource escorting to -- primarily to courts, but also to hospitals and families. So that helped matters.

But I was only in Polmont for a year to benefit from that change.

But we did manage to expand health. We expanded

education, and we did change our focus on some of the work parties.

Q. You say, I think at paragraph 64, and later at 66 and 67, that there was an issue about prisoner numbers. There was two problems with that: there was a difficulty at any one time to know who was in work parties and, separately, as a separate issue, regarding hall security, it was difficult to know who was on a hall at any one time, because the figures sometimes just didn't add up?

A. Yes, as I say in paragraph 64, this was embarrassing when we had the inspectors out, because what we were telling them was not what they were encountering. So it didn't look good on any -- in any way. And some of the young people would move around from work party to the gym to visits, and we didn't have good enough systems to know exactly where everybody was at any one time. But I felt we should have, and -- but there was a lot of collusion going on; that was why we were struggling.

The first line managers and even one or two of the unit managers were colluding with the staff and were allowing young offenders to stay in the halls when they shouldn't have been, and that was very difficult to address, far less eradicate.

My deputy governor used to have brought in an end of

day meeting, you know, 4.30, for all managers: what are your numbers? How many were out at work parties today?

That was his desperation to try to get accurate numbers, and also to keep the pressure on the managers: we want the young people out. We want them out doing things. We don't want them sitting behind their doors all day.

That was a perennial problem, and I think it is still a problem at Polmont.

LADY SMITH: I suppose you are dealing with youngsters who are easily tempted to be lazy if they get the chance, in circumstances where they don't see the point anyway and, for the staff, it might be easier just to go along with what they want --

A. Absolutely.

LADY SMITH: -- because it is not causing any trouble.

A. It is a pact between the staff and the prisoners: if you don't bother me, I won't bother you, sort of thing.

And that's true in adult prisons as well, but it was a particularly irksome issue at Polmont. Of all the jails I worked at, it was -- this was the issue that was most prevalent.

It wasn't an issue at Greenock. It wasn't an issue at Glenochil. It occasionally was an issue at Edinburgh, but it was primarily an issue at Polmont.

MS FORBES: You touched there upon the progress you made with education, and I think you mentioned youth workers as well. That is in your statement for us to read. I am not going to go through that in detail with you.

But I think it is safe to say that the situation that you had managed to cultivate in Greenock was far superior to what you found when you got to Polmont, and you tried to improve that. But there were some hurdles along the way. I think by the end you felt you had made some progress in improving education?

A. Yes, I think unequivocally we improved education at every level at Polmont. There are still issues around literacy, and we were always looking for additional ways to address literacy, because it was certainly the case that no one approach fitted everybody. So we had to have some one-to-one issues -- sorry, some one-to-one teaching. We had groups.

But I found it difficult with teachers to -- you know, this may sound strange, but very few teachers would focus solely on literacy. They all wanted to do other things. Much as I tried to bring them back to literacy, they would find ways of doing other things.

And there was a balance to strike. And you are trying to be all things to all people, in education. Those who wanted to -- and there were a few who were

doing Highers and had possibilities of going to college or even university, others who couldn't read or write. If you got limited resources -- you always have a limited resource, which group do you prioritise?

You might have more impact on the guys that are going to do Highers and go to university. On the other hand, on a human rights basis, surely it is a human right to be able to read and write? So there are tensions and balances to be struck.

But, in a wider sense, I am very critical of the education profession, and particularly with the young people that were in my care had been sorely let down by schools, and nobody was really interested. There is no accountability in education. None whatsoever.

Whereas I felt I was accountable to my line manager, to my chief executive, to all the various agencies and individuals that came into my prison. I think -- maybe I am being a bit naive, but my view was I am accountable and I should be accountable and I want to be accountable.

Try to find anybody in education that is accountable for anything, I think you will be looking for a long, long time. Nobody takes responsibility for children leaving school that can't read and write; nobody takes responsibility for truancy; nobody takes responsibility

for anything. It is always somebody else's problem.

And wearing my SASO hat, we tried constantly to get schools and the education profession to engage in conferences on youth crime and anti-social behaviour. Hardly ever could you get a teacher, or head of department, far less head of school to come, and they would never come as attendees at a conference. They might -- and only might -- speak for 20 minutes, but that was it. And I just despaired of trying to work with education.

Q. I think you are talking about culture and ethos in your statement, Dan. You say there are two phrases you kept coming across in your early days at Polmont -- this is paragraph 69 -- and they were "It is only young offenders" and "It is only Polmont".

A. Yes.

Q. I think you say later in your statement that those were the two phrases you were trying to fight against the whole time you were at Polmont?

A. Yes. And I would like to claim that nobody was saying that when I left Polmont. That the reputation of Polmont had changed and we were an attractive establishment in terms of the buildings. We had rebuilt a lot of the prison. Staff wanted to come to Polmont. Managers wanted to come. The image of young people,

I think, had definitely changed.

Although, having said that, there was beginning to be a drop off in interest in youth crime. The real interest in youth crime was the late 1990s/early noughties. As I understand it, the Scottish Executive, Donald Dewar's first Cabinet, their first subject for discussion was youth crime. So that was how important it was for an incoming Government.

I think that began to tail off in the mid-noughties. But there was a lot of pressure, there was a lot of anti-social behaviour. You will remember ASBOs coming in, Junior ASBOs came in. A lot of attempts to address anti-social behaviour, youth crime, and eventually the holistic approach came in.

You know, I think if you take the first 20 years of this century, I think it is a great success story for Scottish society and for all the agencies involved in managing young people.

Okay, we are dealing with the extreme end, but the number of referrals to the children's hearing system, the numbers in custody, the numbers on remand, phenomenally down. And there is no absolute agreement as to why this should be, but there are a lot of suggestions, suppositions, but there is no -- I don't think there is any hard evidence of that. And maybe,

heaven forbid, but with the impact of Covid beginning to emerge, you know, maybe we are going to go back in time. Maybe there is a lot of pent up frustration among young people that's beginning to come out in one or two examples. Hopefully, they are isolated and not part of a trend, but I think we should be potentially concerned.

And it may be that the reasons why we have reduced anti-social youth crime, a lot of the steps taken, perhaps, have not so much been reversed, but not been built on, and there is a lot of complacency set in. And there will be a lot of youth workers and social workers and prison staff who don't remember what it was like 20 years ago, and what we see now as the norm is the norm to them. And they are not aware there was a very different norm 20 years ago.

Q. I think this Inquiry has heard that there is a commitment from the Scottish Government that going forward the plan is that there will be no under 18s in the Scottish Prison Service. And we have heard evidence that recent figures were there are only five, I think, under 18s throughout Scotland that are being held in Scottish Prison Service Estates. So the trend has certainly gone down.

A. It is an amazing change. I started off with the replacement for Carrick for first offender under 18s,

and then I moved all the under 18s to West Wing. That was 78 places, and most of that time it was full.

Q. I think there was a part you mentioned, at paragraph 93 of your statement, where you talked about a psychologist that you worked with who said something to you that remained with you, you said, for the rest of your career. That was:

"He said that we had to create a safe environment and we could forget any semblance of initiating personal change if a person did not feel safe."

And that was something that you say stuck with you --

A. Yes.

Q. -- throughout your time?

A. Because there was a lot of, shall we say -- and I don't want to sound as if I am treating this as not important, but there was a lot of low level -- what I considered low level violence at Polmont. And it was very rare to have weapons. If there were weapons, they were home made weapons, home made, ie as in Polmont. And a lot of the violence was impetuous behaviours that somehow escalated.

But, in terms of our statistics, our statistics didn't look good and, from 1992, when the SPS became an executive agency, we started having performance

measures and key performance targets, and all that was involved in that. And we started counting violent incidents, and we had definitions for different categories of violence. And Polmont was undoubtedly a problem, and my line manager was saying to me, "You know, you need to cut down on the number of incidents", and I would say, "Well, I can only do that if I lock them all up. I don't want to lock them up".

He wasn't terribly sympathetic. He said, "Look, it is your problem, get on with it and do what you can", and that was fine. I was okay with that. And trying to make the staff think about violence and what they could do in terms of preventing violence; that they weren't just bystanders. Where they stood, the level of interest they were showing when they were standing watching young people, looking at movement between young people, finding out who wasn't talking to whom and why.

So it was a coordinated approach, but we did get our violence numbers down a lot.

Q. I think one of the issues that you were concerned about was suicide prevention strategies. If we go to paragraph 101 of your statement, you talk about the fact that part of the strategy was to try to identify risk factors from the beginning. As part of that you saw the kind of check list that was done at reception as being

quite important. I think you go on later to talk about the fact that the reception officer position was downgraded to operational officer, but that was something that you felt wasn't right, because that was quite an important part of the process, with this young person appearing with very little information or no information into the prison, and then the concern about what risk they might pose going forward?

A. Yes. Well, a lot of issues there in what you have just said.

And of course coming from Greenock, where I'd had a lot of suicides, I was very aware of the issues at Polmont, and I'm trying to -- I had a very good nursing team at Polmont. We worked together on measures to try to highlight suicide prevention.

It is not easy, because you don't want to put ideas into people's minds and you don't want to be going back. In the past, if people had moved on, there was a great tendency: oh, you were unwell five years ago; well, do you really want to talk about what was happening five years ago? Is the past the best guide to the future or not?

You know, that's not a simple matter.

So I thought we were doing reasonably well in suicide prevention, and I think we had very, very few

suicides in my time at Polmont.

The reception is an interesting matter, maybe a philosophical matter, but worth highlighting.

My generation, we were brought up on Goffman, and he was a famous American 1950s sociologist. And a lot of his writing was about total institutions and about de-stripping people of their personality, and I thought there was quite a lot of merit in that. You can over do it like you can over do anything.

But, fundamentally, somebody coming into a prison, there is a danger he becomes a number as opposed to a name. He is using -- he is wearing institutional clothing, and in the 1950s and 1960s, they didn't have any personal clothing; it was all institutional clothing. So you are depersonalising people.

Because there is a generation after the war, people compared institutions to being in the Army, to being in the armed forces, that similar processes went on. So there was quite a strong debate about that. And over time it reduced and Goffman, you know, became a bit passé and other sociologists took prominence. But I always thought there is value in people working in prisons remembering this debate about: how do we handle people? And in essence the reception process is taking somebody in one door and putting them out the other door

as quickly as possible.

And prison staff, the reception staff are usually quite busy, particularly in the big jails. Barlinnie, huge numbers coming in, often late at night. They are under huge pressure from the halls to get the prisoners through. They are not going to have time to stop and think: oh, what's going on here?

But I felt that by downgrading the post of reception officer we were downplaying what was going on in reception, and we should have in fact been specialising. We should create a post of reception officer and we should train them, separately, or in addition, and make them aware of what's going on under the surface: what you see is not what's happening.

And prison officers are trained to see what they are seeing.

The then head of training I knew shared my view about this, absolutely, if not more so, and we lost the argument. They were looking for savings, and this was deemed to be a post that could be downgraded. Nobody, other than a few of us, were fighting the battle, so to speak. And I don't know whether my argument was right or wrong, but I thought it was an important issue. And I still think it's important, and we forget what's going on under the surface.

You know, to digress, when I had visitors coming round a prison, I would talk to them before they went round, and one of the messages I would say to people: look at what's going on. Look at what you see. What you see may not be what is actually happening. Try and get a sense of what is actually going on, wherever you are going. You know, where are the staff? Where are the positions? What are the staff doing? What are the prisoners doing? How many prisoners are about? What are they doing?

So people aren't just taking in what they are visibly seeing, but actually trying to think beyond what they are seeing. What are the underlying issues in the hall or wherever it is in the prison?

LADY SMITH: Dan, I don't know if you have read, for example, Primo Levi's book, "Is this a man" --

A. No.

LADY SMITH: -- on the dismantling of the human being, if you like, on arrival in one of the camps. He was Jewish, during the second world war. Or indeed the findings I have made in relation to the child migration programmes, when children were being migrated from Scotland and, at the other end, everything was taken away from them, possibly their name was changed, they were told they had no parents when they had parents,

they would have their hair cut off, et cetera, et cetera.

Even in the use of some of the boarding schools, the use of the surname, the number, having your number, the needing to conform.

It is not just in prisons. But I think the point you are making is you must be aware of the risk of losing the human being amongst all this; is that right?

A. Yes, absolutely. You have put it much better than I did. I think that is a danger, and we need to be aware of it.

And just because we have, for example, telephones in reception and prisoners are wearing their own clothes part of the time, we have made -- we made changes along the road. And now of course they have their own phones and whatever, but we shouldn't forget the fundamentals.

LADY SMITH: Yes.

Ms Forbes.

MS FORBES: My Lady.

I think there is a part later in your statement, at 196, just to mention it, that you say:

"I think the challenge in prisons is to treat people as individuals in an institutional setting. So you don't lose sight of the fact that they are individuals, they are just in an institutional setting."

A. Absolutely. That may sound a bit OTT, but I think fundamentally that's my approach, and many others. That prisoners, all they have in common is that they are in prison. Other than that, they are all different. Similarly with staff, they are all different. We should treat people as individuals. Although all the pressures are towards conformity and uniformity, but it doesn't mean to say we have to give in to that, to these pressures, all the time.

And prisoners are very clever. They -- you know, when they want something, they will argue that it is policy, and I am not enacting policy properly. And when that doesn't work, they will argue, "I'm a special case and I should get this because of reason A, B and C".

So I don't know if you are aware of the 'Prisoner's Week' initiative? That's an initiative by the churches and the chaplains, and every year it is held in the third week of November. And there is a theme or slogan every year, and I think most of them, if not all of them, have been very good and very apposite. But there was one year which was "Prisoners are people, not numbers", and I think that is helpful, to keep that message.

Q. Just going back to the issue of the suicide strategy, I think you say one of the hurdles you have to

overcome -- this is paragraph 104 -- was this prison norm of individuals, young people, not wanting to be seen to be grassing on each other and trying to hammer home the fact that telling -- raising a concern about a fellow young person was not grassing; it was looking out for their welfare.

A. Yes, that is so fundamental and so difficult. But all I can say is I tried to do that when I went to induction sessions at various prisons, just in a sort of as relaxed a way as I could, to try to get that message -- a lot of the prisoners, they had never heard the message before. I could see the sense of surprise on their faces, and the reasons I was giving them to challenge what they just took as a basic feature of institutional life.

So I can't give you an example where prisoners did, but I am sure -- I am sure it did happen; that prisoners would quietly have a word with the officer on a gallery or in a work party, and just say, "Look, keep an eye on so and so, I think he's a bit down". I would like to think, anyway, that that would go on. Probably quietly, rather than in any up front way.

But, equally, you mustn't underestimate the culture, which is, you know: don't grass on a fellow prisoner.

It would be wrong to underestimate that in any way.

Q. And you say as well that in trying to prevent suicides, if someone was at risk, one of the options which sometimes had to be resorted to was the segregation cells. But your view was to try to limit that as much as possible, given it wasn't really a solution; it was just taking someone out of an environment where they could harm themselves and taking away their means to do so?

A. Yes. It's just a horrific option, to put somebody in a silent cell. They were very -- you know, in fact most silent cells -- you have maybe had some evidence about this, but my reckoning would be most silent cells were taken out of use over the decades, and even where they existed they were never used.

But the extreme measures to keep somebody alive were very troubling and horrific.

At Glenochil, just before I left, we had a really extreme, bizarre case of a young man who kept cutting himself, and his aim was -- [redacted]. And that was just his motivation. There was no more motivation than that. And he was constantly being transferred between Glenochil and A&E at what was then Stirling and he was an ex-young offender who we took from Polmont, I think just before his 21st birthday,

because he was behaving bizarrely at Polmont. So the dangers of life to him were enormous, but he didn't care. Just didn't care. And this was his way of amusing himself, and we couldn't find anyway in to distract him or to find other avenues that he might be interested in with the doctor, the psychologist, the social worker. Everybody was trying their level best, because it couldn't go on. Disaster was looming. But between all the different disciplines we were really struggling.

Q. I just want to move forward, Dan, to part of your statement that talks about under 16 year olds being in Polmont and what used to be the Unruly Certificate. This is starting at 112 in your statement. That system doesn't exist anymore. It has been abolished. But, back in the timeframe we are talking about, there were occasions where you would have at Polmont those who were under 16 on an Unruly Certificate. But you say that that was pretty rare in the 1990s, or by the mid-1990s, and it was getting rarer?

A. Yes, the -- difficult to generalise. But my view was most prisons would have one or two Unruly Certificates a year. That would be in the 1980s into the 1990s. They were rare, but not unique, if I could put it like that.

Q. I think you say that there was a time where there were actually six or seven that came to you over a Christmas period.
A. Yes.
Q. About 2001/2002. And you had written to your chief executive about that. We can see that at paragraph 114.
A. Yes.
Q. I think it did the rounds, your email did the rounds of the Scottish Executive, which it was at the time, and I think one of the issues you had was a civil servant made a comment, something like, "Tell the governor to manage".
A. Yes, I was -- it takes a lot to get me angry, but I was really incandescent when I read that. It was just an extreme set of circumstances, and all these under 16s, I couldn't do anything about it. They didn't stay with me for very long, but I was concerned about where I could manage them safely; what sort of regime I could offer them; how they were reacting; was there any mental health dimension? Far less any self-harming to come.
And I thought if something did get out, even just the numbers, or some family was very unhappy about it and would raise it with the press, then I thought the chief executive and my line manager should at least know about it, just on the basis of no surprises. And

I was interested when the chief executive did send it round a number of people in the Scottish Executive and the last comment was, "Tell the governor to get on with it", which I didn't find very helpful.

Q. I think in the same vein you had a concern about the transfer of young people from secure units back then, and I think you talk about that from paragraph 122.

You tell us when you would get a phone call from a secure unit, like Rossie, Geilsland School, Kerelaw, or St Mary's, that you weren't happy about that and you would be wanting to phone around other secure units just to see if they had exhausted all other possibilities?

A. Well, not quite. The phone call would come from St Andrew's House, would come from a civil servant telling me to take so and so tomorrow. That would be the starting point, and that would be it.

It didn't happen very often, but it did happen, and regardless of their age. And I kept saying: well, why are they suddenly unmanageable? They surely haven't just, overnight, become unmanageable. What steps are being taken? Have they tried a transfer to a different secure unit?

I could never get any information. They wouldn't tell me anything. When the young person turned up at Polmont, I didn't get any records. Nothing came with

him. So we had no idea what his particular problems were. We just had to start from the beginning.

And I tried to -- with my line manager's very active support, we started having regular meetings, quarterly meetings, with the secure units and Cornton Vale, and part of my objective was for them to identify, "Well, we are having a particular problem with Jimmy Smith, and we may think he is coming your way", in which case I would say, "Well, let me know early on and I will send a officer out and a manager out to speak to him, and we will see what we can do to plan the transfer, mitigate the worst aspects of the transfer". I don't know if that ever worked, but there was certainly some buy in from the secure units. But they were a law unto themselves, and they barely spoke to each other, far less me, and they didn't really want to have anything to do with SPS.

Q. Was one of the difficulties the fact that they were run by different organisations, Councils, they weren't all dealt with by the same overarching sort of organisation?

A. Organisationally, they were all very different, run by different charities or voluntary associations. Management differed greatly, but they all had the fundamental structure: 50 per cent residential workers and 50 per cent teachers.

That, I think, was there throughout. And I didn't know, really, how they integrated the staff and what the young people did. By my standards, they had a huge staff for the number of young people and I couldn't work out what they were trying to do with the young people. It didn't seem to me there was any strategy, just treat each individual as an individual with -- not just as a means to an end, but that was the end.

And -- of course they had young people there for all sorts of different reasons; they weren't all there for criminal behaviour or anti-social behaviour. All sorts of reasons. But different strategies to family involvement, to visits, and they didn't seem to be accountable to anybody. They all had sort of boards of trustees, but I couldn't find out what happened.

Just to digress, just a few weeks ago, one of my former senior colleagues contacted me and asked me if I would consider being a trustee on a secure unit board, and I was very tempted, but I thought: I don't need anything more at my age of life.

Five years ago, I would have jumped at the chance and been very interested in how they ran. But they charged a fortune, and that was a model -- again, at some conferences I would offer this as a model, an alternative to how we fund imprisonment. There were,

locally, an incredible number of steps that the Local Authority had to go through to get somebody to go to a List D school or a secure unit, there were. And the point of the process was to limit, to cut down to the absolute bare minimum, referrals, and that worked. The referrals did come down.

And of course the Local Authority knew they would have to pay a huge amount for somebody in care, so it was another disincentive to send somebody to care.

So, you know, in my dream of dreams could you have Local Authorities handling prisoners in the same way that the courts suggest somebody goes to prison for 12 months and the Local Authority says, "Well, I'm not sure if I have the budget for that", and put the budget on to the council tax, that might bring about a change of thinking towards the value of imprisonment.

I will leave that thought with you.

LADY SMITH: I don't think that is within my remit, but it is a very interesting suggestion.

A. That's for part two.

LADY SMITH: Thank you.

MS FORBES: Dan, just moving on to the question of discipline and reports, prisoners being put on reports. At paragraph 142 of your statement, you talk about a prisoner being put on report and being taken before

the governor. I think you comment that there was an assumption of guilt and that the governor was going to impose a punishment. There was no presumption of innocence. But, during your time at Polmont, you did move to a more in-depth assessment of the charge which was at times adversarial and to try to hammer home that the primary purpose of being there was to stop whatever had allegedly happened from happening again and wasn't necessarily about punishment.

A. Yes, that was my approach. A lot of similarities with the complaints system that needed to change, and the use of the Orderly Room had to change. And with human rights, there was no way you could argue that our procedures in the Orderly Room were compatible with any possible interpretation of the ECHR.

So there were national changes made to punishment. But locally, at Polmont, it was clear there was an expectation the governor would do the Orderly Room. That was a set time in the day, 11 o'clock, and everything stopped for the Orderly Room. And the governor marched down the corridor and would do the Orderly Room, and would mete out justice and would disappear again. And I started delegating that task to other unit managers and deputy governors, because there is no reason why the governor had to do it; it was just

tradition. And in many other prisons the governor had stopped doing the Orderly Room, but this is another example of Polmont being behind the times.

There was a lot of resentment to this, a lot of resentment about the punishments coming out of the Orderly Room, that they didn't seem to meet the crime. And I think every unit manager who did the Orderly Room would have an experience of an irate officer berating him or her afterwards, saying: why did you not do this? And why did you not punish so and so?

And so it was another part of changing the culture at Polmont, and I think undoubtedly that did work. But I was helped by the changes in the national system.

Q. I think you go on to tell us about the kind of investigations into staff misconduct and complaints, from paragraph 146. And I think you say that you had a concern in certain situations that perhaps officers weren't acting appropriately. But your view was that all you could do, really -- because sometimes there wouldn't be the evidence -- was to just ensure that every allegation was investigated, and --

A. Yes, that became my approach. The situations varied a lot. Timing varied, sometimes you didn't hear about the incident until some time afterwards and you are only getting a partial story of what happened, or what was

alleged to have happened.

But I took the view that every allegation should be reported, and often, at gross misconduct, we had different categories for investigations. But if it involved allegations of assault or intimidation, or bullying, then, to my mind, that was gross misconduct, and it would be investigated at gross misconduct level. That brought a lot of opposition from the Union, who often didn't want to investigate it. Or if it did, wanted it investigated informally or at a very low formal level. So we had to work through that as well.

So there were a number of issues, and there were, sadly, some problematic staff, who I was very unsure about.

Q. Yes, I think you talk about that at paragraphs 150 and 151. But one of the issues really was, from your point of view, getting enough evidence to proceed with anything. But you thought it was important that the matter be investigated as far as it could be?

A. Yes, and sending out a message to staff that if they crossed the line, they will be investigated. And whatever may or may not have happened in the past, allegations would be taken seriously. It doesn't say that we agree with the allegations, we are investigating and there is no cover up and we will take whatever

steps -- it is very difficult to bring the police in. If it was an assault, the obvious thing to do was to bring the police in, and sometimes we did, but it was just a non-starter. Nobody would talk to the police, the police thought it was a waste of their time, and it was just not getting anywhere. So we had to do it ourselves.

Of course, the young people making the allegations are probably not the most credible young people, with troubled backgrounds. But, nevertheless, we took the line, and I think consistently, allegations will be investigated. And certainly two staff -- one member of staff resigned, and one -- well, two resigned who were on the point of being dismissed.

Q. And I think just going forward into your statement, I think later on, just going down to paragraph 180, I think you say that you hope that there was no abuse going on during your time at Polmont, but you can't be certain and that you had doubts about various staff and doubts about certain situations. And you had lots of issues about getting evidence.

A. Yes, the other side of human rights is, of course, you have to be evidence led, and you can have all of the powerful policies in place and good, clear, coherent policies. But, at the end of the day, you need

political will to do the necessary, or management will to investigate, and you need evidence.

You can't just say to somebody, "Oh, I think you are up to no good, I think you should resign". Well, you can't say that to an officer. But I think the officers whose behaviour I had doubts about, I think they got the message. I am pretty sure that they realised that the way they had been working could not continue, and they had to start engaging. The days of shouting at prisoners, just because I have a different uniform to you and you will do what I tell you to do, and if I tell you to jump, the only question is: how high?

That had gone.

Q. And I think, Dan, you talk about engaging there. When you are telling us about lessons you think should be learned, at paragraph 190, you say:

"I think the most important way to protect young people is to find ways to engage with them. We need to do things with young people, rather than doing things to them."

A. Yes, absolutely. Listen, listen, listen. If there is one thing that you will hear regularly from children, from young people, from young adults in trouble, they will tell you sooner or later, "Nobody listened to me. Nobody listened. Everybody in an authority position,

they do things to me, and nobody is interested in my point of view". That may or may not be true, and there will be lots of evidence for and against, but that's their perception of how they have gone through their adolescence: nobody listens.

That was the feature of good staff. They created time to listen and to engage with young people. It was a slightly less -- well, a slightly different stage. But what I was saying earlier about trying to get complaints out of the young people, I had to really talk long and hard to some of them before they would eventually give me something that was negative about Polmont. They just won't tell you naturally. They are not used to people actively listening. And if you are actively listening, you are actively interested. And the two go together.

And that's what we want, I think, in an ideal world. Whatever the ideal world might look like. But you want people working with young people who will listen to them. You will still have to tell them to do things they don't want to do and they will have to exercise some degree of discipline and authority, I accept all that. But it is the way you do it, and try to engage with them however difficult -- and it will be difficult, however difficult it is.

Q. And I think, Dan, you say -- you talk about that more at paragraph 195, where you are talking about thinking about who are the right people to work with young offenders, and young people. I think you say:

"Time and time again, my management team at Polmont tried to identify the qualities that characterised a member of staff who was good at working with young people."

And you talk about -- one of your strategic objectives was to design a training module for staff at Polmont and you ended up with qualities that any governor would want in any prison officer, but you say:

"The additional factors seemed to be a simple genuine interest in young people."

A. Yes, we -- I don't know how many half days we did a bit of brainstorming, my various management teams at Polmont and, you know, there must be a training package around or can we invent one? More money was going into training at the college, and we were to some extent knocking at an open door at the college. But they were saying to us, "Well, you tell us what you want us to do. You tell us what training you want us to deliver. We will deliver it, but you need -- you are the contractor, you need to tell us what you want", and we never cracked this.

And I don't know, you have perhaps had evidence from other organisations that will give a different message, and maybe a more optimistic message, and I hope there are some models of good practice out there. But we tried and tried and tried without success, and just kept coming back to the skills that I would want in any prison officer.

Q. But just this added factor that they had a genuine interest in young people?

A. Yes, because a lot of the staff at Polmont were only working at Polmont because it was the nearest prison to where they lived. They didn't ask to work with young people.

A few -- I took a few from when Glenochil Young Offenders closed. I took some staff from Glenochil who said they wanted to work with young people. I took some staff from Dumfries when it closed -- sorry, when it closed to young offenders. Same with Longriggend when it closed. Some were genuine, they did want to work with young people. Some were not genuine and they saw working with young people as an easy option compared to working with adult males.

MS FORBES: Well, Dan, that's all the questions I have for you. Thank you very much for answering my questions today. I know we have kept you for quite a long time.

LADY SMITH: Dan, let me add my thanks. Thank you again for everything you have given us, both in terms of your detailed statement, which has so much -- not just the information of your long career in the Prison Service, but your valuable reflections looking back. Much to be proud of. I know there are still things that you are very honest about feeling could be better, but it is plain you achieved a lot in your 38 years;
I congratulate you for that.

Thank you for bearing with us today, despite whatever is the latest cold going round being determined to try to stop you doing that. Please feel free to go and rest for the rest of the day.

A. Thank you.

LADY SMITH: Thank you.

Well, we could take the afternoon break now, then, and perhaps we could do a read-in after that, finish off the day. Thank you.

(3.00 pm)

(A short break)

(3.15 pm)

LADY SMITH: Good afternoon. Now, finally, a read-in.
Mr Peoples.

MR PEOPLES: Yes, a read-in, next. The read-in is from a statement provided by a person whose pseudonym is

'Donald'.

LADY SMITH: Thank you.

MR PEOPLES: And the reference is WIT-1-000000856.

LADY SMITH: Thank you.

'Donald' (read)

MR PEOPLES: My Lady, 'Donald' was born in 1970 and, just by way of introduction, he was born in Greenock. Really, what he tells us about is that between, perhaps, the ages of around 5 until around 20 in all he was in something -- I think it is nine institutions. He experienced abuse, I think, based on what's contained in his statement, in seven of them, and that consisted of a variety of forms of abuse; physical abuse; sexual abuse; emotional abuse.

And while the nine institutions include SPS institutions, it is clear from his statement that he experienced abuse in a number of institutions before going into an SPS establishment. It is a familiar pattern, as before. It just happens that his birth is the start of the 1970s, another decade, rather than the start of the 1960s. So we are slightly further on in time. But, to some extent, the story is the statement.

If I could start just by looking briefly at the section headed "Life before ... care", which I think is paragraphs 2 to 10 of 'Donald's' statement.

As I have said, he was born in Greenock. He says he was one of six children. He had two older siblings and three younger siblings. He says, in paragraph 3, that his dad worked away and travelled all over the world.

On page 2, at paragraph 5, he's --

LADY SMITH: Just in passing, I note he is puzzled about how his mother could have caught, as he puts it, pleural plaque from the asbestos, but if at any time she did the laundry for somebody working with asbestos on the [redacted], that's a likely explanation for her suffering.

MR PEOPLES: Yes, I think we now know it wasn't just those who worked on the construction of ships. Yes, you are right, I should have said his mother did work as well, when 'Donald' was younger.

LADY SMITH: Yes.

MR PEOPLES: However, continuing about his mother in paragraph 5, he does say that for as long as he could remember his mother was an alcoholic, and he really can't remember occasions when she was sober.

I am told there is a problem with WebEx. I have a message that at least one person on WebEx is having difficulty hearing.

LADY SMITH: Just one?

MR PEOPLES: It is Ms Rattray. But I'm wondering if anyone else is having problems.

LADY SMITH: Could you check if it is okay now with her?
MR PEOPLES: Can those out there hear me? Perhaps Ms Rattray could see if she can now hear.
It should be on now.
LADY SMITH: Should be on?
MR PEOPLES: Perhaps I will continue in the hope that the problem has been resolved.
LADY SMITH: Yes, I think we should.
MR PEOPLES: I don't think I need to repeat what --
LADY SMITH: If anyone is very troubled by this, perhaps they could get in touch with us and we will see what we can do.
MR PEOPLES: I won't repeat what I have just said.
LADY SMITH: No, there is no need.
MR PEOPLES: I think I am getting a positive sign that the problem has been resolved.
LADY SMITH: Thank you.
MR PEOPLES: If I could continue, he speaks about his mother at paragraph 5, and how she was, and why she was like she was.
He says, at paragraph 6, that he remembers a lot of fighting and screaming in his home, and when his mother and father were together there were constant arguments. Indeed, he says they ended up splitting up. It seems that the consequences were that his mother ended up

losing her house, and he went with, I think, a sister, to his granny with his mother. It was a small house with four people sharing the accommodation. He says it was tight living conditions and there was always fighting because of his mother's drinking, which his granny couldn't put up with.

He tells us, at paragraph 8, that social work ended up intervening and he and his younger sister were taken to a children's home, while the older siblings remained at home.

The first care setting he was in was a children's home. It was Nazareth House in Cardonald, and he deals with his experiences there between paragraphs 11 and 74.

I will not go through that section, but he clearly does provide evidence of abuse occurring during his stay there.

LADY SMITH: Yes.

MR PEOPLES: I think in particular he deals with that at paragraph 56 and following, about the types of abuse that he experienced in that care setting. He does say what happened there, and he did run away from time to time, and says he would tell an uncle what was happening.

He then tells us that he left his first placement and there was a period when he was back at home, and he

deals with that period at 75 to 79 of his signed statement, at page 15, starting. I think he reckons he was about 8 at that time, so he was still pretty young, and he attended a local school.

Then he says, on page 16, if I could just flag this up, when he got out of his first placement things were never the same:

"I couldn't settle back in to life. The damage was already done. I started experimenting and sniffing petrol."

He also says in this section:

"I wouldn't let anyone pick on me and I was always fighting."

That's paragraph 79.

Then he ended up in some trouble and the police were involved and he appeared before a Children's Panel. He was sent to Newfield for a period of assessment, and he says he was there around six weeks. I think that would be around 1979 or 1980, or thereabouts.

LADY SMITH: Yes.

MR PEOPLES: He seems to have been in Newfield several times, but he deals with his first occasion there, at paragraphs 80 through to 97. He says he ran away from there as he did in his previous placement. He does say that he got the odd slap there, but he describes it as

"par for the course" and "normal back then". That's paragraph 90. Which I think is something that a number of people have said over the years --

LADY SMITH: Indeed, yes.

MR PEOPLES: -- a slap seems to have been the norm and treated as the norm by those who received it.

LADY SMITH: Yes.

MR PEOPLES: He has a section about abuse at Newfield, which I will just -- it is 91 he starts that. Although he describes it as not a bad place, but he mentioned two staff who he describes as creepy. Although one of the people he names, he said, didn't in fact do anything to him, and describes more a situation of mental abuse, where certain things would be -- they would be asked to do certain things, like stand for hours in the corner, or have them running in the gym at night in circles. So that's really what he says about Newfield at that stage.

He said, after the assessment period, he went back to the panel.

At page 20, on paragraph 95, he was told he would be going to St Ninian's, Gartmore, although he had to stay a further couple of weeks at Newfield until a place became available. And he says he was told by a couple of boys what to watch out for at St Ninian's.

It does seem there is a pattern sometimes, although

there is a placement or a panel decision, that it is not always possible to implement it immediately, and sometimes it is a case of waiting to see what comes up. So I don't think that's a unique situation.

LADY SMITH: No, we have seen it before. It is understandable.

MR PEOPLES: Oh yes.

LADY SMITH: Hard to plan for.

MR PEOPLES: Yes. And then St Ninian's, Gartmore, and again I am not going to deal with this in detail, he has a section dealing with his experience there, at paragraph 98 through to 140, and reckons he was 9 or 10 when he went to St Ninian's. That is, again, around 1979 or 1980 or thereabouts.

LADY SMITH: Yes.

MR PEOPLES: He tells us a bit about the people that were there.

I will mention in passing that he does mention one of the people was a Mr Greg Dougal, and he has been recently convicted of certain offences.

LADY SMITH: Oh yes.

MR PEOPLES: He tells us about what happened there, and he does describe, in that section, physical abuse and concerns of being scared because screams heard in the night; that's one of the things he describes.

He also describes, apart from physical abuse, that there was also sexual abuse, and he has a section about that, starting at 127. He describes various incidents that occurred, including one involving two names that are persons who are convicted, I think in the first trial involving Brother Benedict, James McKinstry and Charles McKenna are names who were both also convicted in that first trial.

LADY SMITH: Oh yes, yes.

MR PEOPLES: So he has evidence about that in his signed statement.

He then says that he thinks he left St Ninian's when he was around 11 or 12, which again would put it around 1981 or 1982, thereabouts. He says that he did go back home and start -- or resume primary school in his community.

At 137, he says that he wasn't home very long and he was starting sniffing glue, but he was also wetting the bed and found it hard to settle back at home.

Then he talks about moving to a high school from Port Glasgow and he started missing school because he seems to have been running around with some of the boys there, some of the older boys that he had met in Newfield.

At page 30, in paragraph 140, he says that really

the school, the high school, had enough of him, he says, but there was a social worker involved. He says the police knew he was involved in various activities and he ultimately -- he says a club was done over and he and others, who were over 16 at that stage, were caught, but he took the blame because he considered they would have gone to jail.

The matter was disposed of, he tells us, by a reference back to the panel. And it seems that he then spent a further period at Newfield. This is his second time there. That is paragraphs 141 through 147, and I think he reckons he was there about eight or nine weeks in all.

He doesn't say a huge amount about this time, but he does say that he was starting to get more out of control. That's at paragraph 142.

And he was sniffing glue. Indeed, he speaks of an occasion when he and other boys carried out a rooftop protest, at 143, and indeed were sniffing glue on the roof. And he also goes back to referring to some of the staff he had concerns about. The same people, I think.

He says after he was there for about 8 or 9 weeks, he was sent to what appears to be a children's home in Glasgow, and he deals with his experience there at 148 through 157. Now, this will be about 1982, I think.

LADY SMITH: Yes.

MR PEOPLES: Probably around then.

LADY SMITH: Yes.

Secondary Institutions - to be published later

then he says that from there he seems to have been given a chance to go back home and go back to school, but he didn't settle and went back to what he describes as "old ways"; going out and breaking into premises.

He was only at home for a few months when he was then put back into another children's home, this time in Port Glasgow. And he tells us about that at 158 through to 168. And he says he reckons he was there around seven or eight months.

Secondary Institutions - to be published later

Secondary Institutions - to be published later He said he ended up getting charged, along with two boys over 16, in connection with a serious assault, and he says that he was held in Newfield until the case went to court. He says he was there perhaps about six months, although he tells us, at 165, that the case ended up being dropped and so he was in Newfield, but then went back home.

However, at 167, he says that subsequently he was charged with wilful fire-raising, being already on bail for housebreaking. So he was back in court again, and this time he was fully committed and went back to Newfield.

At 167, he tells us he was there for another six months. He says he took the blame for the housebreaking and was given three years residential training. He says that the wilful fire-raising seems to be something that -- the sentence was deferred, according to his recollection.

The placement that he went to was Balrossie School, which is obviously a List D school by then. He tells us about his experiences at Balrossie between paragraphs 169 to 198, starting on page 36.

LADY SMITH: He is about 13 when he goes into Balrossie.

MR PEOPLES: Yes, that would be 1983/84, aged 13, and he reckons he was there for the full three-year period.

He does say, at 170, that he got on well with most of the staff there. He mentions ones that he remembers, including SNR [redacted]. He tells us about the routine, which I will pass over.

He says, at 184, that he would be going home for weekends when he was at Balrossie, and he said he was finished with glue sniffing by that stage, but he was drinking a lot and smoking cannabis. He says that's when he started taking drugs, when he was on home leave at the age of 15. So we are into about 1985 by now.

He has a section headed "Abuse at Balrossie", and that starts at 187. I am not going to go through it, but he describes physical abuse in the paragraphs that follow, by a number of staff.

He tells us about leaving Balrossie, starting at 197, where he was going home at night and attending Balrossie during the day, and then had to go back to court, he says, every six months for some of the deferred sentence on wilful fire-raising.

LADY SMITH: Yes.

MR PEOPLES: He seems to have come out of Balrossie, I think around the age of 15, but he then seems to have been intended to go to St Mary's Kenmure at Bishopbriggs. He only has a short section about this.

LADY SMITH: Yes.

MR PEOPLES: Because it looks as if what happened was, he went there and immediately escaped or absconded, and was on the run for four months. So he didn't really have any time at that particular place. His dates would suggest it was about 1986, and that ended up -- when he was caught, he says it was just before he was 16 years old and he was taken to Longriggend from court. So I can maybe pick that up there, Longriggend, which is page 44, paragraph 200.

LADY SMITH: Thank you.

MR PEOPLES: "Longriggend was a remand unit. I was there until the courts decided what to do with me. Longriggend felt like any other adult jail. I was locked up and given a piss pot in the corner. I had to slop out. I would wake up, slop out, and have breakfast.

"At 9:00 am they would try and take me to school, but I wouldn't go. I asked them to leave me in my bed. I was locked in my cell and would stay in my bed all day. I did a lot of reading at Longriggend. I got books from the library and from other boys.

"Meals were brought to our cells in steel trays with compartments. The food was horrendous, I couldn't describe it, but there was no choice. I was never disciplined or restrained at Longriggend. I was there

for about two weeks before going back to court. I was then recalled on my parole. I didn't go back to Approved School, but was sent straight to Glenochil."

Then he has a section, starting at 203, where he describes Glenochil, and I think what he is describing there is a spell in the young offenders part, not a detention centre.

LADY SMITH: Yes, because he later ends up in the detention centre.

MR PEOPLES: Yes, that's right.

LADY SMITH: Well, not that much later.

MR PEOPLES: No, you are right. But I think he starts the other way round, which is perhaps odd. I think the plan was you started in one and you shouldn't go to the next one if it works.

But, anyway, he tells us that he was there for around six months as a convicted young prisoner, and he says he was only 15 when he went there:

"I was a couple of months away from my 16th birthday."

That's at 203: "It was for prisoners up to the age of 21. There were about 24 boys in each section. Twelve cells up each side." He says he can't remember the names of any prison officers there:

"The cell had a bed, a wee table, a chair and a sink

in it. We were allowed to have a radio in our cells. I didn't have to slop out at Glenochil. When the section was shut, you pressed a buzzer. Your door would open and you could go out to use the toilet. Only one person was allowed out at a time. We had to make our beds and keep ourselves clean, but it wasn't very strict. We got locked up in our cells at night. I would read in my cell. After the lights went out, I would talk to other boys out the window. We would torment the sex offenders and howl at them.

"I got up in the morning and had my breakfast. We went down to the dining hall for our meals. We were locked up in our cells less than I had been in Longriggend. The food was all right. After breakfast, I went to work in the sheds.

"We wore denims and a red and white shirt. We were allowed to wear our own trainers.

"I worked in textiles. Because I had escaped from St Mary's I was classed as a category A prisoner. I didn't have a choice in where I worked because textiles was in the security shed. I would do the brushing up because I couldn't use a sewing machine. I was just a pest. We'd go back for our dinner and then we got outside for our exercise. We then went back to the sheds.

"We got out for recreation at night. We could play pool, table tennis or watch the telly. Weekends were much the same, but we didn't go to work and we were locked up in our cells earlier. The screws would go home earlier at the weekend, just like in adult prisons.

"My family would come up and visit me at Glenochil. After I turned 16 I didn't get any visits from social workers. I wasn't given any kind of support when I was sentenced.

"The screws couldn't do anything worse to me than what had already been done. I just took it all in my stride. There was a gang of boys called the Glenochil Wolves. As part of your initiation, you had to do something to one of the sex offenders. There was no such thing as protection for the sex offenders. They were put into the textile workshop with the general population. When the screws' backs were turned, I put an industrial sewing machine right over one of the sex offender's heads.

"If you did anything wrong you would be restrained and carted off in locks. That happened to me when I assaulted the sex offender. They would bend your wrists right back to cause maximum pain. The pain was terrible. When I was being restrained there would be one screw at each arm, one at each leg, and one at my

head. Considering what I'd done, they weren't too hard on me.

"I was taken into the Digger, which was a punishment cell. It was a lot smaller than the normal cells. It had a cardboard table and a cardboard chair in it. There was a concrete floor with a mattress on it. I was there for 14 days. My meals were brought to me in the cell. I only got out for an hour exercise each day. I pressed the buzzer whenever I needed the toilet during the day and I had a piss pot in my cell if I needed to go to the toilet at night."

And then he does come to his experience at the detention centre, at 213, page 46 of his signed statement, and he says:

"After I was released from my first sentence at Glenochil I got another three months' detention for something stupid. It was the first sentence I got after I turned 16."

So that would be late in 1986 that he turned 16.

LADY SMITH: Yes, 16. Mm-hm.

MR PEOPLES: "Glenochil Detention Centre was a different part of the building than I had been in the first time. It was the same staff. The detention centre was part of Maggie Thatcher's 'short sharp shock treatment'. It was all based on training for Army recruits. They called it

square bashing. We were supposed to make bed blocks, bull our boots, bull the floors and march. It was all heavy and strict. We wore black jaggy trousers, a similar jacket and a red and white shirt. We had shoes and boots that were supposed to bull up, but I never learned how to do that.

"We were supposed to march everywhere we went. When they told me to march, I told them to jog on. If I had wanted to march I would have joined the Army. When I didn't march, they told me that I had to have my shoes in order. If I didn't do that, they said I would have to go to my cell. I told them I would be in my cell until I got out, which I was.

"For every day I refused to march I lost a day's remission of my sentence. I was only doing 3 months. At that time had you to serve at least two-thirds of your sentence. I had to do two months, so they could only keep me in for another month if I refused to comply. I was kept in the punishment cell for my whole sentence and got an hour's exercise every day. I spent a lot of my time reading. They brought a trolley round with books on it and I could pick from it. I didn't get restrained when I was in the detention centre. I was already in the punishment cells, so they couldn't take me anywhere else.

"The 'short sharp shock treatment' didn't work for me. I don't think it worked for anybody. At that time, I don't know what would have helped me. I just had to get out. I didn't realise at the time how things had affected me and where it was all coming from. It might have helped if I had had some kind of counsellor or someone had asked me why I was wetting the bed or sniffing glue, but I don't think anybody cared.

"I was still 16 when I finished my three-month sentence. When I was released from Glenochil they ran me down to Stirling train station. You got a liberation grant, which was a week's brew money. Back then, it was about £24. They gave you a train ticket to wherever you came from as well. I went back to my mum's in Greenock, but I got a house of my own as soon as possible."

And he also says he ended up staying with an older sister and also an aunt quite a lot. He goes on:

"After I left Glenochil I was taking a lot of drugs. At that time I started to take a lot of tablets. It wasn't long after that I started taking heroin. I got into trouble with the police again, but I never went back to Glenochil because the detention centre wouldn't have me."

And then he has a section describing some experiences in Polmont, where he does say he was in

several times. But I will read --

LADY SMITH: Yes, of course.

MR PEOPLES: At paragraph 220, on page 48, he says:

"When I was 17 I was sent to Polmont for the first time. I was in and out of Polmont quite a lot until I turned 20. It was there that I was first introduced to heroin. Polmont was just another jail. I have been in prison a lot as an adult and it was just the same. I was definitely institutionalised, there was no doubt about it.

"You could be put on report for 101 different things, like being abusive to the screws, fighting, or something else. If you were on report for something and you got put on report again, you would be removed to the cells. That happened to me quite a lot.

"The way they took you to the cells and the locks they put on you should only have been done in extreme circumstances. They could just as easily have a screw on each side of you and walk you down to the cell. Instead, they got you on the ground and put you in a lock. Every ten steps they would stop and put you down to check all the locks. When they checked whether their lock holds were secure, they bent your wrists back and you screamed in pain. They caused maximum pain and made sure everyone in the halls heard you scream."

Then he has a section on life after care. I will just pick out one or two things.

LADY SMITH: That's fine.

MR PEOPLES: He says, at 223, he was in and out of Polmont, as he said, quite a few times between the ages of 18 and 20, and he says until about four years prior to the statement he was in and out of prison on a regular basis, and he says there has been a lot of drug abuse in his life.

He says, at 225, that he has never worked. He says he has never been out of prison long enough to get a job. And his life after leaving care, he describes as chaos and one of crime and drugs.

He says that as far as impact is concerned, at 226, he started taking heroin when he was 17 and in Polmont. He said that went on for years and years, and again he says his life was one of crime and drugs.

At 227, he says this:

"The abuse in care is all planted in my head. It has been with me for the last 40-odd years. Since I have uploaded it and spoken about it I feel totally different. Years ago I didn't see it as abuse. If I did something wrong, I got a whack. The way I see it now is that if I went out on the street and punched a 10-year-old boy full force on the face, it wouldn't be

acceptable. I try not dwell on what happened when I was in care. It's happened and no matter what I say or do, nothing is going to change it."

He talks about having bad dreams. Some of these are, I think, connected to things that happened at St Ninian's. He does say, at 230, that he has a very large number of previous convictions.

LADY SMITH: Yes.

MR PEOPLES: And indeed I think he seems to say at times to save himself he actually did something to go back to jail.

LADY SMITH: Yes, for the nourishment not the punishment, as a way of life.

MR PEOPLES: Perhaps that, and also to make sure he didn't do something in the community that might have very serious consequences. That is certainly the way, I think, he is describing it.

LADY SMITH: I think that's right. It took him until certainly late 40s to ease off --

MR PEOPLES: Yes.

LADY SMITH: -- his offending lifestyle.

MR PEOPLES: That's right. And then, at 232, just to see how he puts the matter, at page 51:

"I am a product of the 1970s care system. They basically stole not just my childhood, but my whole

life. Luckily I am still here and I have survived. A lot of people that I was in care with are no longer here."

I think that's something we have heard from other people, too.

LADY SMITH: Yes.

MR PEOPLES: He says on reporting:

"Nobody ever asked me why I was wetting the bed or why I was glue sniffing. I don't think I would have been able to come out with it and talk about the abuse. I didn't see the beatings as abuse."

And he says, again a familiar theme:

"I still don't have any trust in the system."

But he does, on reflection, say it is a shame it has taken him 40 years to get to this point. But he then describes that he has, in recent years, given information to the police about things that have happened to him in his care settings, including incidents involving Mr Dougal, he says that at 236, and indeed he refers to, I think, what probably was the matter that has resulted in his trial and conviction.

On lessons to be learned, finally, if I could just refer to paragraph 240.

LADY SMITH: Certainly.

MR PEOPLES: He says staff should have been vetted:

"I know that gets done now, but they should have been thoroughly vetted. I don't think nuns and people who aren't maternal should be allowed to look after children. They didn't have a clue about children. They had made a vow not to have any. I can't remember any inspections of any of the places I was in."

He goes back to restraints and just refers to the pain of having your wrists bent back in restraints was terrible.

LADY SMITH: He is not the only applicant who has told us that.

MR PEOPLES: No, no.

LADY SMITH: We heard about the system of bending the thumbs back just yesterday from a prison officer.

MR PEOPLES: Indeed, a member of staff said it would be extremely painful, albeit not long lasting in terms of injurious effects.

LADY SMITH: Yes, an effective way of controlling somebody.

MR PEOPLES: It seems to be. And then he says, at 242:

"They need to try to get out of children why they are in care in the first place. If children are there for causing trouble, I don't think they are doing it for no reason. It's a cry for help. They need someone to talk to. Children might be scared to come out with what the catalyst is. Everybody's case is different."

Well, there is a bit of a flavour of that from our last witness as well, in a sense, albeit from a different perspective.

LADY SMITH: Yes.

MR PEOPLES: And he says at 243:

"I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this statement are true."

And he signed his statement on 15 November 2021.

LADY SMITH: Thank you very much.

MR PEOPLES: That's my contribution for today. I don't know what your Ladyship wants to do at this stage.

LADY SMITH: I have just been scanning the length of the read-ins still to go and the amount of time available, and noting it is 3.52 on a Friday afternoon and we might have done enough.

MR PEOPLES: Well, yes. I am quite happy to call it a day.

LADY SMITH: I am grateful to you for all your efforts this week. Can we have a quick preview of Tuesday, please?

MR PEOPLES: Yes, there is a live witness on Tuesday morning, and I would hope, along with that witness, we can make some further progress with the read-ins as well.

LADY SMITH: Great. Very well. I will rise now until Tuesday morning and wish you all a good weekend. Thank

you.

(3.52 pm)

(The hearing adjourned until 10 am on Tuesday 12 December, 2023)

I N D E X

Dan Gunn (sworn) 1

Questions from Ms Forbes 2

'Donald' (read) 129