

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Friday, 15 December 2023

(10.00 am)

LADY SMITH: Good morning.

We return today to oral evidence from two witnesses who are going to give evidence sitting together, as they did in November, and that's Teresa Medhurst and Neil Rennick.

I think they're both here and ready, is that right, Mr Peoples?

MR PEOPLES: Yes, I believe they are.

LADY SMITH: Are you ready?

MR PEOPLES: Yes, I am ready as well. If we can recall them now.

LADY SMITH: Thank you.

Teresa Medhurst (sworn)

Neil Rennick (sworn).

LADY SMITH: My thanks to both of you for coming back today, now that we've heard evidence in the Scottish Prison Service section of Phase 8. You obviously gave very helpful evidence in November, but it's good to have you back here today to answer questions that we'd like to put to you now the evidence that has been given since November. As you'll both be aware a lot of witnesses have given evidence to us, either in person or through their written statements.

1 You know what's in the red folders, you know we'll
2 use the screens as well. Please remember if either of
3 you have any questions or want a pause or have any
4 requests to make of us, please say. I don't
5 underestimate that we're asking you to do a lot here and
6 this is quite complex material that we are asking you to
7 engage in. We'll try to make it as straight forward as
8 we can for you.

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

11 MS MEDHURST: Thank you.

12 LADY SMITH: Mr Peoples.

13 MR PEOPLES: My Lady.

14 Questions from Mr Peoples

15 MR PEOPLES: Good morning.

16 MR RENNICK: Morning.

17 MS MEDHURST: Good morning.

18 MR PEOPLES: Today, perhaps I can just tell you how
19 I propose to deal with matters that -- I'm going to say
20 a little bit about the breadth of evidence we've heard
21 since the start of this case study and then I'm going to
22 provide you with an opportunity to make a response,
23 which I understand you both wish to do.

24 Can I say, before I begin on that, that since you
25 gave evidence the Scottish Government and Scottish

1 Prison Service have provided two documents which seek to
2 answer some questions that arose in the course of your
3 evidence, oral evidence, and we have these.

4 Can I give you the good news that I don't propose
5 today to ask you questions about these. If anything
6 arises I'm sure I can seek clarification in due course,
7 but I think the questions have been answered and we can
8 understand them. I'll simply say this for the benefit
9 of the transcript, that we have two documents which
10 we've received since you gave evidence. The first being
11 SGV-000102966, which seeks to answer a series of
12 questions that arose in the course of the evidence and
13 the answers can be read and I think they've been
14 circulated to those who have leave to appear.

15 LADY SMITH: Yes.

16 MR PEOPLES: The other document is perhaps of some interest
17 that it's -- we did ask to see, if you could find one,
18 a job description, going back in time. You have
19 produced at least one example. SGV-000102965, which
20 I understand it's thought was perhaps an advert for
21 prison officers that may have been issued in the 1970s
22 at some point by the Scottish Office. We can all look
23 at it for ourselves and compare it no doubt with how
24 these things are done now.

25 Just to thank you for providing that information

1 since giving evidence.

2 Since the start of the Phase 8 case study hearings
3 on 20 September 2023, there has been a considerable body
4 of evidence about the SPS, as I think you are well
5 aware.

6 You both gave evidence over two days on 1 and
7 2 November 2023, at which time you gave evidence about
8 a substantial report concerning the SPS, which was
9 based, if I can deal with it shortly, on a major review
10 of a wide range of source material. I'll not go back to
11 that, we did cover that on the previous occasion.

12 However, perhaps just to remind you that there was
13 an acknowledgement in that report in Part B and in the
14 evidence that you gave of past abuse over many decades
15 of young people in the custody and care of the Scottish
16 Prison Service, an acknowledgement of systemic failing
17 during the period when that abuse was occurring and also
18 an unconditional and unreserved apology to all those who
19 as children in SPS establishments had experienced or
20 witnessed abuse.

21 There has been oral evidence in the case study
22 relevant to the Scottish Prison Service and I'll just
23 run through the type of evidence we have received and
24 heard. We have had evidence orally from
25 Professor Norrie about the legal and regulatory

1 framework, including the framework relating to prison
2 establishments and the prison system.

3 Evidence from Professor Andrew Coyle, who before
4 becoming an academic and writing extensively about
5 prisons across the world had been a Governor within
6 Scottish prisons.

7 We have had evidence from other former Governors,
8 Alec Spencer and Dan Gunn.

9 We have had evidence from Dr Derek Chiswick, who
10 chaired a working party which reported in 1985 following
11 a number of suicides at Glenochil Detention Centre and
12 Glenochil Young Offenders Institution.

13 We have also had evidence from Dr Alan Mitchell, who
14 spoke about the work of the Committee for the Prevention
15 of Torture, the CPT for short, which is an international
16 treaty-monitoring body, which was set up pursuant to the
17 European Convention for the Prevention of Torture and
18 Inhuman or Degrading Treatment or Punishment, which
19 I think is colloquially referred to as the European
20 Torture Convention, from 1987, the CPT being created
21 around November 1989 or thereabouts.

22 We have also had evidence from Sue Brookes, who is
23 the current Director of Strategy at the SPS.

24 And from the current Chief Inspector of Prisons for
25 Scotland, Wendy Sirclair-Gieben, who has been in that

1 position since 2018 or thereabouts.

2 We have also had evidence from a number of retired
3 prison officers who had worked in various SPS
4 establishments.

5 Yesterday we had evidence from a current prison
6 officer within the SPS and I think it's correct to say
7 that all of these individuals had worked for the
8 Scottish Prison Service over a lengthy period of time.

9 We also had some evidence earlier this week from
10 Ian MacFadyen, who is someone who had first-hand
11 experience of life as a prison-based social worker in
12 the late 1980s and in the 1990s.

13 Also, since you gave evidence at the beginning of
14 November 2023, there has been oral evidence from
15 a number of individuals, I think 15 in total, persons
16 whom the Inquiry refer to as applicants, about their
17 experiences during the timeframe of the Inquiry in
18 various SPS establishments and they spoke about
19 experiencing and witnessing abuse. Their evidence about
20 abuse ranged over many decades.

21 In addition, since you gave evidence in early
22 November, there has been a total, I think of about 72
23 read-ins. That is evidence taken from signed witness
24 statements, given to the Inquiry by applicants who spent
25 part of their childhood in one or more than one SPS

1 establishment and often before then in other residential
2 care settings, such as Approved Schools, List D schools
3 and secure accommodation provided by providers other
4 than the Scottish Prison Service. Indeed, we have heard
5 evidence in these read-ins and in the oral evidence of
6 abuse occurring in these other establishments as well as
7 within the SPS establishments.

8 That evidence, covering a period from the 1950s
9 through to the 2000s, included evidence of being abused
10 and often of witnessing the abuse of other young
11 persons.

12 Today there is an opportunity for you to respond to
13 the evidence to date concerning establishments run by
14 the SPS. My understanding is that both of you would
15 wish to do so. Can I just say this. I think I'll just
16 let you decide who wants to go first and can you please
17 be aware that there's no pressure of time. I understand
18 you have things to say without needing to be asked
19 questions about the matters and take as long as you
20 require to make the response that you wish to make
21 today. If I could make that clear.

22 LADY SMITH: Mr Peoples, could I ask you one thing to insert
23 for the transcript, and of course we know it, just spell
24 out which of the establishments we have been hearing
25 about since September were SPS establishments. It's the

1 four of them.

2 MR PEOPLES: We have heard about a number, but obviously
3 we've heard about Longriggend, Glenochil
4 Detention Centre and Young Offenders, Barlinnie,
5 Polmont, but we have also heard about a number of
6 establishments, other establishments, including open
7 borstals, Noranside, Castle Huntly. We have heard a bit
8 about Greenock Prison and Perth Prison, Dumfries,
9 Jessiefield. We have heard about Craiginches as well,
10 so there's quite a large range of establishments.

11 I'm conscious that we focused to a large extent on
12 four in particular, but we have heard evidence, to some
13 extent comparative evidence, about the different regimes
14 and treatments. Is that sufficient for present
15 purposes?

16 LADY SMITH: I think that is helpful, yes. But there is the
17 core four with others that have been involved as well.

18 MR PEOPLES: Yes. I may have missed some out, and
19 I apologise if I have, but I think I have most of them.

20 LADY SMITH: I don't think so. Not that have a --

21 MR PEOPLES: Cornton Vale, sorry, and HMP Stirling.

22 I should have mentioned those as well, because again
23 they're not within the core four, but we have heard some
24 evidence and clearly they were places that housed female
25 prisoners, both young persons under 18 and those over

1 18.

2 I think I've covered just about everything, I hope.

3 LADY SMITH: Thank you.

4 MR PEOPLES: With that introduction, perhaps I can hand over
5 to you to make the response you wish to make today.

6 I don't know who wishes to go first, it's a matter
7 very much for you.

8 MS MEDHURST: Thank you very much, Mr Peoples. I will go
9 before Neil Rennick.

10 I appreciate the opportunity this morning to come
11 back to the Inquiry and to give a response to the
12 evidence that the Inquiry has heard over the last number
13 of weeks.

14 There are a number of issues that I would like to
15 cover and I appreciate that you've said, Mr Peoples,
16 that there isn't any time bar on this, so I'll take the
17 time necessary and I'm happy to take any questions
18 obviously on anything that I cover off.

19 I have followed carefully the evidence that has been
20 provided by applicants throughout November and December.
21 The evidence has been from very young and very
22 vulnerable children at the time that they were in
23 custody and has been very harrowing and distressing and
24 I want to recognise the courage of the applicants who
25 have provided both written and oral evidence, as well as

1 to those who have not, for whatever reasons, been in
2 a position to provide evidence, which is likely would
3 have amplified the experience of those who have engaged
4 with the Inquiry.

5 Within the evidence, I have been struck by the
6 amount of physical violence, often carried out by
7 multiple perpetrators and most often by staff, staff who
8 have been entrusted with the care of young people and
9 have clearly overstepped their roles and authority and
10 breached the trust that was placed in them.

11 This will have created a real fear for those who
12 were abused, but also for others who were clearly aware
13 of that abuse taking place.

14 In addition, there were obviously other forms of
15 abuse, which included sexual abuse, intimidation, staff
16 and peer-on-peer bullying were also shared in graphic
17 detail and that children have been subjected to that
18 both prior to and upon coming into prison custody.

19 There was also unacceptable treatment described in
20 the physical conditions experienced, including slopping
21 out, being kept locked up for long periods of time, with
22 no access to learning or to purposeful activities, poor
23 healthcare, poor food and much more.

24 Some applicants have been able to detail a number of
25 significant adverse impacts that have had a profound

1 effect on them, long after departing SPS establishments.
2 These include poor relationships with authority and
3 a complete mistrust of those who were empowered to care
4 and protect those children and who had an utmost
5 requirement for that care and protection.

6 The evidence sets out for me that the job of care
7 providers, and particularly that of prison officers, was
8 and continues to be critical to the protection, welfare
9 and life prospects of those children in our care and in
10 particular those children who were abused.

11 In not achieving that care and protection of those
12 children they have been significantly impacted to the
13 point of failure.

14 I cannot begin to comprehend the physical, the
15 psychological and the emotional impact that these
16 experiences will have had on those who had to endure
17 such treatment and has reinforced for me the need for
18 the apology that I provided to the Inquiry previously.

19 I would like to reiterate again that the apology was
20 not only to those who have provided evidence to the
21 Inquiry, but also to those who for whatever reason
22 haven't or have not yet provided evidence to the Inquiry
23 and to their families.

24 I also want to put on record my thanks to those who
25 have courageously participated and I do not

1 underestimate how difficult and vulnerable a process
2 that must have been for them.

3 As Chief Executive of an organisation that has
4 a desire to be better informed and to learn, I want to
5 assure you that I have listened and I will give full
6 consideration to the evidence and its implications for
7 the organisation in how we care for children and young
8 people going forward.

9 I also, though, would like to put on record that the
10 organisation has made improvements and whilst that is
11 not to either underestimate or undermine the evidence in
12 any way, conditions have changed and continue to change
13 and there are a number of specific areas that I would
14 want to cover.

15 The first one is in relation to the care for young
16 people and children in relation to being in a more
17 individualised care approach.

18 Today, we do try very hard to take the care of
19 children and young people as an individualised approach.
20 We look at the needs and risks associated with children
21 and young people and try to encourage them to develop
22 positive, meaningful relationships and participate in
23 activities and interventions that enhance their sense of
24 agency and improve their life prospects of becoming
25 responsible members of our communities.

1 I firmly believe that this is the right approach and
2 we will continue to develop this further as we move
3 towards becoming a truly trauma-informed organisation.
4 This will ensure we're giving ourselves the best chance
5 of providing services and opportunities for children and
6 young people to support their growth and development.

7 The other area -- this is an area that I know has
8 come up on a number of occasions during the applicant
9 evidence -- is around our approach to restraint and
10 non-pain-inducing restraint.

11 The need on occasion to apply restraint procedures
12 should only ever be applied as a last resort and only
13 when the risk to the individual, either to themselves or
14 to others around them, necessitates it. It is a complex
15 event that does not come without its risks, however it
16 is essential to the safe and secure operation of prison
17 custody.

18 As part of this change to introducing
19 non-pain-inducing restraint, our staff are strongly
20 encouraged to utilise their interpersonal skills,
21 influence and their relationships to deescalate
22 conflict. Where this can't be achieved, methods of
23 non-pain-inducing restraint are applied in the first
24 instance and we are seeing already some extremely
25 encouraging results from the initial pilots we have

1 undertaken, both at Polmont and in the new women's
2 estate.

3 This change has been implemented as a result of
4 becoming more informed and gaining a better
5 understanding of the specific needs of children and
6 young people and the significant trauma that can
7 reemerge as a consequence of an episode of restraint
8 because of their prior life experiences. All of this
9 has been and continues to be evolving and informed by
10 the voices of those who are affected, i.e. the voices of
11 children and young people in particular.

12 The other area I would want to focus on is about
13 becoming a trauma-informed organisation. You made
14 reference earlier, Mr Peoples, to the evidence of
15 Ms Brookes, who indicated in her evidence that SPS is in
16 the early stages of becoming a trauma-informed
17 organisation.

18 This allows us to implement ways of working and
19 allows us to apply meaningful development for our staff
20 that will move us towards truly understanding the
21 specific needs of our prison populations and providing
22 services in care in a way that recognises these.

23 We have recently implemented some changes that we
24 believe align to recognising trauma and the impact that
25 it has on those in custody. This includes changes to

1 our approach to suicide prevention and to the searching
2 of young people within custody.

3 Our new mental health strategy, which will shortly
4 be published, will also align to the principles of
5 trauma-informed practice.

6 The final area I would want to cover would be around
7 recruitment, training and professionalisation of our
8 staff.

9 SPS remains committed to exploring opportunities to
10 professionalise our staff and the critical services and
11 care that they provide. Recruitment practising
12 standards have evolved and improved through behavioural
13 competencies that were applied to the now values-based
14 approach, which supports understanding more about how
15 values determine actions and behaviours and has achieved
16 some success in supporting social mobility and improving
17 diversity, which is particularly evident in relation to
18 gender balance within establishments. That is very
19 obvious now when you visit any prison.

20 I support -- Professor Andrew Coyle who set out that
21 prison staff would gain much more confidence if they
22 were given a qualification and ongoing support and
23 recognised as professional body of men and women. We
24 are taking steps towards professionalisation and
25 upskilling our workforce, this includes cutting-edge

1 approaches to management and leadership for our most
2 senior staff and providing practical, theoretical and
3 academic learning for new and existing prison officers
4 to give them both the practical skills they need to do
5 their job but also exposure to the compelling academic
6 evidence and research base that underpins their training
7 and practice.

8 I am acutely aware of the insular nature of the
9 prison environment and the need to instill public
10 confidence in the job that our staff do. Therefore any
11 measure that would professionalise and define a bespoke
12 benchmark to hold us to account and provide recognition
13 for prison staff would be welcomed.

14 However, my perspective would be that we are still
15 many years away from that type of arrangement, but we
16 must continue to implement improvements that will help
17 us achieve that in terms of the direction of travel.

18 Finally, what I would like to do is just reiterate
19 the commitment to learning from the evidence, the
20 applicant evidence, that has been provided to the
21 Inquiry and we will do so in the coming weeks and months
22 to help improve our practice and our service delivery to
23 those in our care, particularly children and young
24 people.

25 Thank you.

1 LADY SMITH: Teresa, could I just ask you something about
2 one of the observations you made towards the end there.

3 You talked about the need to instill public
4 confidence in the job your staff do, which, as they may
5 say, is a no-brainer. The public need to trust the
6 Prison Service to be doing the right thing in all
7 aspects of its responsibilities, including carrying out
8 a court sentence.

9 You went on:

10 "Therefore any measure that would professionalise
11 and define a bespoke benchmark to hold us to account and
12 provide recognition for prison staff would be welcomed."

13 I'm slightly confused there. I understand what you
14 were saying about supporting Professor Coyle's proposal
15 that creating qualifications and ongoing support for
16 staff so that they're properly recognised as
17 a professional body of men and women is more than well
18 worth considering, but then when you are talking about
19 a benchmark you seem to be talking about holding the
20 whole service to account.

21 What are you saying?

22 MS MEDHURST: That's a good point, my Lady.

23 I suppose it's in respect of the role of the
24 Inspectorate and the organisation rightly being held to
25 account for our delivery by His Majesty's Chief

1 Inspector of Prisons and thereby any changes and that
2 has changed over time, so the standards are much more
3 human-rights based than they were previously and they
4 will continue to evolve and change, so that kind of
5 benchmarking I think is what I was referring to.

6 LADY SMITH: Thank you.

7 Two other things.

8 One, have you given thought to the need to protect
9 not just individual children and young people from being
10 abused but also those who are fortunate enough, one
11 might say, not to personally be the target of abuse, but
12 if it is happening anywhere in the prison or the
13 institution are having to live in an environment where
14 they see it happening and it is an environment where
15 abuse goes on?

16 Do you recognise that they need to be protected as
17 much as those who are actually targeted?

18 MS MEDHURST: Yes, yes. I think that, my Lady, was what
19 I was trying to allude to at the very start about the --
20 not just those who have been abused but obviously others
21 as well and within any prison environment it is a very
22 closed community and therefore people do know and
23 understand what is happening.

24 LADY SMITH: Yes. Of course, we have heard from people who
25 may have said, "I kept a low profile. I learnt how to

1 stay away from the trouble", but they were still very
2 conscious of living in a dreadful place, where others
3 were suffering.

4 MS MEDHURST: Exactly, yes.

5 LADY SMITH: Finally, this point, if I may, Teresa: as you
6 look through what we have learnt just since September by
7 listening to all the evidence of over 80 people that has
8 been presented, have you had any thought about what it
9 was about the systems that were in place that was
10 failing children and young people or what was absent
11 from the systems that needed to be there?

12 MS MEDHURST: Probably two things I would reflect on that
13 relate to the point that you've made there, my Lady.

14 One would be, and it's come up through other
15 evidence that you've received about the imbalance in
16 control and power within prisons, and that the
17 organisation has been very much in a transition --
18 although we still have uniformed staff that authority
19 and power and control has shifted. Although we are
20 still a uniformed service, I would suggest very strongly
21 that the military-style approach that existed previously
22 has definitely eroded and it's something that we want to
23 move away from and we have shifted considerably in that
24 sense, and knowing and understanding the imbalance and
25 the power and control and people's responsibilities is

1 something which we do instill as part of our training
2 for staff.

3 That would be one element of the issue about how
4 that system issue has probably occurred.

5 The other one I would suggest is around our training
6 and the difference now, both in terms of recruitment and
7 training, so working more on that values based, making
8 sure that people do have the right values we're looking
9 for. It's not about people's background or coming from
10 certain sectors and actually we have diversified the
11 recruitment practice to such an extent that we have
12 people coming in with degrees, we have people coming in
13 from the care sector. So we are drawing on a much more
14 diverse background and experience base than we ever have
15 previously. Then the training people are exposed to
16 when they come in now is much more focused on the
17 theory, evidence and research that underpins the
18 journeys that people experience prior to coming into
19 custody.

20 It's not just about the criminal act itself that
21 results in the individual coming in, but we look at the
22 whole person, at their whole life journey and try and
23 get staff to understand how that then has led them to
24 where they are today. Therefore in looking at how
25 someone then manages their way through their sentence,

1 we need to use that to inform how we can support that
2 individual best to make most of their time in custody.

3 LADY SMITH: When you talk about values, are you including
4 the need to instill in people, if they don't already
5 have it, the right attitude towards children and young
6 people who are in any form of custody? They might not
7 be very nice to the people that are in charge. It may
8 at times be very unpleasant dealing with them and they
9 may be offensive to the people who are in charge.

10 In the teeth of which I can see maintaining the
11 right attitudes must be difficult. Do I have that
12 right?

13 MS MEDHURST: Both in my experience and in the training that
14 we do, when staff are aware of why people are behaving
15 in that way, they are far more understanding. So less
16 likely to respond in a negative way and also helping
17 staff to understand how their behaviour can then impact
18 on somebody. Therefore, their approach needs to change.
19 Helping them to reflect on that, that does mean that
20 that engagement remains positive and there is much more
21 understanding.

22 LADY SMITH: Thank you.

23 Mr Peoples.

24 MR PEOPLES: My Lady, I think my Lady's covered it.

25 One thing perhaps I can say, just on the last point

1 about understanding. The officer who gave evidence
2 yesterday, 'Peter', who is still serving, did say that
3 whatever training he had I think he said at one point
4 that when he started to get it, was when he received
5 training about disability and learning difficulties and
6 that he -- it was really like a lightbulb moment that he
7 could then understand some of the behaviours that were
8 being encountered. That, at least for him, meant that
9 he could respond perhaps in a more effective and
10 positive way rather than a negative way that would
11 simply reinforce the behaviour that he was responding
12 to.

13 We heard that yesterday from him. He had been
14 invited to a programme, a more recent programme on
15 learning difficulties and disability and he felt he had
16 benefited from that. Before that the policies, albeit
17 well intentioned, did not register in the same way with
18 him.

19 It was the understanding --

20 MS MEDHURST: That's right, it is the understanding and
21 those lightbulb moments for staff often come once they
22 have experience and they know and understand how then to
23 deploy their knowledge in the most effective way. So
24 it's very welcome to hear that that has proven
25 beneficial and a positive experience.

1 Thank you.

2 MR PEOPLES: I think perhaps -- unless Teresa has anything
3 further she wishes to add -- is it Neil's turn to make
4 his response?

5 MR RENNICK: Thank you, Mr Peoples.

6 Thank you, my Lady.

7 Like Teresa I'm really grateful for the opportunity
8 to come back and give further evidence to the Inquiry,
9 responding to the individual evidence that you have
10 heard from applicants.

11 In considering this, absolutely nothing has altered
12 the apology that I provided last time on behalf of
13 Scottish Ministers. I think the evidence that you've
14 received has reaffirmed and reemphasised the apology and
15 the acknowledgement that I gave and I'll say a little
16 more about why that is the case.

17 Obviously, as a person reacting to very distressing
18 evidence, there are a number of impressions that you
19 feel from that and one of those is that these are all
20 individuals, although it's presented as a set of
21 information from a range of individuals over an extended
22 period of time, they are all individuals and in many
23 cases, in fact in all cases, they were young, in some
24 cases exceptionally young. I was really struck by the
25 example of, if I have the evidence right, a 12-year-old

1 who was describing his experience of being accommodated
2 alongside adults and again picturing what that must have
3 felt like for a young person of 12, to be incarcerated
4 at all and to be in that environment with adults,
5 including sharing showers, et cetera.

6 The other thing that struck me was that range of
7 experiences. In some cases the young people were
8 accommodated for relatively short periods of time, three
9 weeks. In other cases for longer periods of time, but
10 clearly however long or however short that period was,
11 it has had a life-changing impact and that they are
12 still recalling the memories from that experience and
13 the trauma that that has caused to them.

14 Obviously some of the individual examples, as Teresa
15 says, are hugely distressing and that includes examples
16 of very serious physical violence and abuse and also
17 incredibly distressing sexual abuse as well.

18 Again, what struck me from the evidence was the full
19 range of difference experiences, including psychological
20 abuse, that people experienced, not only from what
21 happened to them but also witnessing what happened to
22 their peers as well. I am really conscious that we
23 should not underestimate that psychological impact
24 alongside some of those other incidents that clearly
25 have spread into more criminal behaviour and resulted in

1 hospitalisation.

2 That included examples of people who recalled
3 receiving discipline for relatively minor infringements
4 of the regimes in which they were operating, and it's
5 a helpful reminder and indicator of what the experience
6 was like and what those regimes were like.

7 Like Teresa I was also struck by the proportion of
8 the evidence that related to staff violence and
9 incidents involving staff. Clearly, the evidence that
10 the SPS provided, the statistical evidence, indicated
11 that it was more peer-on-peer violence was what was
12 recorded, but I was really struck by the evidence from
13 one of the applicants -- I'm sorry, I can't remember
14 which one it was specifically was -- which was that it
15 was the incidents involving staff had a bigger impact,
16 that that was what they recalled, that is what had
17 a bigger impact than the peer-on-peer incidents,
18 inherently because of the power imbalance that existed
19 within people being held in custody between staff and
20 those being cared for.

21 I think it is really important and you've mentioned
22 the evidence that's been provided by both a current and
23 previous prison officers and prison staff, it's really
24 important for me to acknowledge that that power
25 imbalance didn't just exist between the staff and the

1 young people, it existed between the regimes and the
2 Government and the structures that we had and how we
3 accommodated young people who came into contact with the
4 justice system.

5 It is evident from the evidence that was provided
6 that the structures that we put in place around the
7 regime and crucially the structures that were put in
8 place to try and ensure that issues and concerns that
9 were raised were dealt with, did not operate
10 effectively. That includes, for example, the evidence
11 that was given of prison visiting committees, of issues
12 either not being dealt with or the structures not
13 allowing prison visitors to become aware of incidents
14 that happened.

15 It's important to say that is not to denigrate the
16 people who over an extended period of time have been
17 involved in those roles, either within the inspection
18 process or in visiting, but to recognise that from
19 a Government point of view those systems did not do the
20 job that they were expected to do in terms of ensuring
21 that we appropriately protected young people who are in
22 our care.

23 That clearly reflected in part the culture that we
24 had within Government as well and how we reacted to
25 those incidents.

1 I'll conclude obviously by acknowledging that those
2 issues around maintaining the effectiveness of
3 inspection and prison monitoring are clearly issues that
4 are not things that are done and dusted and don't
5 require constant supervision and constant monitoring and
6 updating. Clearly, my view would be that those have
7 strengthened and improved over the recent decades,
8 including thanks to international intervention, but
9 there is clearly constant work that we need to continue
10 doing on that.

11 The other thing that I would acknowledge is --
12 obviously in the evidence that I provided when I was
13 here before was around the significant change in terms
14 of our overall approach to young people within the
15 justice system.

16 The most recent statistics which I have from
17 8 December are that there was only one young person aged
18 under 18 in a young offenders institution in Scotland
19 and that is really welcome. But, as the Inspector of
20 Prisons said in her report from Polmont this week, one
21 person is still one young person too many to be in
22 a YOI.

23 The Children (Care and Justice) Bill is still
24 progressing through the Parliament and I can talk more
25 about that process, but even then I acknowledge that

1 there are lessons that don't just apply to under 18s and
2 even if that Bill is passed by Parliament and enacted
3 and implemented, there are still lessons in terms of our
4 care for other young people up to 25 and adults that we
5 care for within our prisons as well, that we in
6 Government and Teresa will need to draw on in terms of
7 looking to the future.

8 But I just conclude by repeating the apology that
9 I gave previously both on behalf of Scottish Ministers
10 and officials as well.

11 MR PEOPLES: Can I just raise two points out of the last
12 part of your evidence?

13 The evidence we had had recently was there were five
14 people under 18 in young offenders, four in Polmont and
15 one in Stirling. Are you telling us it's now down to
16 one?

17 MR RENNICK: It was in the most recent figures, although it
18 changes every week. I think during November we had
19 a range between five and two or six and two, so it
20 changes every week.

21 MR PEOPLES: It does change.

22 The other matter, the update on the Care and Justice
23 Bill, am I right in thinking it's still the intention of
24 Scottish Government to take under 18s completely out of
25 the SPS young offenders regime without exception?

1 MR RENNICK: Yes, that's right.

2 MR PEOPLES: I don't really have anything at this stage
3 beyond these questions, unless your Ladyship has
4 anything?

5 LADY SMITH: Can you just remind me what stage the Bill is
6 at?

7 MR RENNICK: Yes, it's at Stage Two in the Parliamentary
8 process, so that's the first stage in which amendments
9 are possible to the Bill. The Ministers already
10 indicated that there will be a number of Scottish
11 Government amendments relating to particularly issues
12 around information for victims, et cetera.

13 We anticipate, although they're not due until the
14 new year, opposition amendments as well. Those have to
15 be provided by the second part of January and the
16 Parliament has set 9 February as the date on which
17 Stage Two must be complete, but there's been nothing in
18 the discussions that the Minister, Ms Don, has had with
19 the Parliament that indicates any change to the approach
20 in terms of 16 and 17-year-olds no longer being
21 accommodated in YOI if the Bill is passed.

22 LADY SMITH: Thank you very much.

23 I've no other questions.

24 MR PEOPLES: Can I just reiterate my thanks for coming back
25 today and responding to the evidence you've heard.

1 Other than that, I would just wish you a merry
2 Christmas.

3 LADY SMITH: My thanks as well.

4 I'm really grateful to you both for coming back
5 today and also for having obviously thought very
6 carefully about what's been presented in evidence since
7 September and what you have learned so far from it.

8 I'm glad to hear that both of you are still in
9 learning mode. Good luck with that. I wish you well.

10 Also, can I add my wishes for a very happy Christmas
11 and a good 2024 to you both. Thank you.

12 MS MEDHURST: Thank you.

13 (10.47 am)

14 (The Inquiry adjourned until 10.00 on
15 Tuesday, 19 December 2023)

16

17

18

19

20

21

22

23

24

25

I N D E X

1		
2		PAGE
3	Teresa Medhurst (sworn)	1
4	Neil Rennick (sworn).	1
5	Questions from Mr Peoples	2
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

