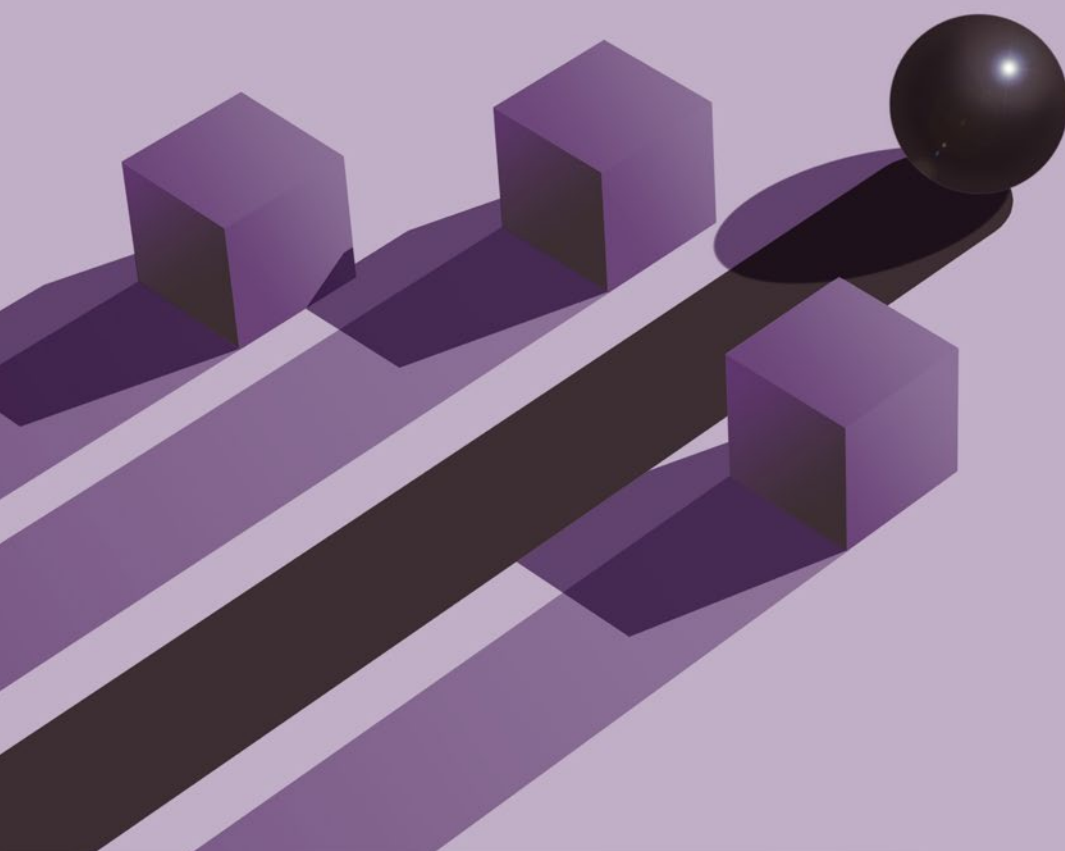


# **“Planned Failure”**

## **A Thematic Review of Prisoner Transport in Scotland**



# A Thematic Review of Prisoner Transport in Scotland

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**“The transport for my dad’s funeral arrived late, the funeral was at 10.30am. I wasn’t picked up until after midday. When I got there, he had already been buried. I had been going to take a cord. My family were angry at me, thinking I must have caused the late arrival. The Governor ensured I got a wreath and was taken back to lay it on the grave. That helped. I submitted a complaint, but I didn’t hear back. It was a horrible experience that I will remember for the rest of my life.”**

Person in Custody.

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## Foreword



As interim HM Chief Inspector of Prisons for Scotland (HMCIPS) I am pleased to pay tribute to the role that my predecessor Wendy Sinclair-Gieben played in initiating this review, directing its focus and commenting on the draft report.

I would also like to thank Jacqueline Clinton, who has led and driven the review forward with commendable skill and tenacity and thank the many others whose voices have helped inform this review. Their contribution is acknowledged more fully in Annex A.

In the HMCIPS 2022-23 Annual Report Wendy Sinclair-Gieben announced her intention to commission this thematic review in response to a high volume of worrying feedback about failings in prisoner transport from Independent Prison Monitors (IPMs), people in custody and their relatives. Behind every prisoner transport journey is a human story and it is these stories that prompted Wendy's concern to shine a light on these issues. This report describes how failures in delivering prisoner transport have had a deep impact on people and services, further communicating the grave concerns that Wendy as HMCIPS and HMIPS have repeatedly raised to the Scottish Prison Service (SPS) and Scottish Government via prison inspections and in correspondence.

This report also adds to the information published in December 2023 to highlight concerns about the Scottish Courts Custody Prisoner Escorting Services (SCCPES) contract (the contract) and performance of GEOAmey (the transport provider) in the report of [the 2022/23 audit of the Scottish Prison Service](#) by the Auditor General for Scotland made under Section 22 of the Public Finance and Accountability (Scotland) Act 2000. This brought to the Scottish Parliament's attention issues relating to the contract, which is managed by the SPS on behalf of a Justice Multi-Agency Liaison Group (MALG). It prompted further scrutiny by the Public Audit Committee which informed their publication of [the 2022/23 audit of the Scottish Prison Service](#) on 10 June 2024. The Public Audit Committee examines whether public funds are being spent wisely and holds to account those who are charged with spending public money whilst aiming to make a difference to the quality of public services in Scotland.

This HMIPS report examines the prisoner transport service further through the lens of respect and protection for human rights. It focusses on the impact of prisoner transport on people in custody and in some cases their families through a detailed examination of the way it has been experienced by those who have used it and how the SPS and partners have responded. Throughout the report case studies are highlighted, along with experience of the people in custody who spoke with us. When we heard about contingency planning actions taken, we have highlighted these throughout the report.

Key findings and recommendations are put forward to suggest where improvements should be made or where fresh consideration could lead to new and better ways of delivering a more reliable and higher-quality prisoner transport service.

Prisoner transport may seem like a routine, ancillary element of the criminal justice system. However, it is a critical service that affects and is affected by the operations of criminal justice partners. Examining transport and the attendant issues has shone a light on efficiency and effectiveness across the criminal justice system, highlighting issues that merit closer examination such as the requirement that all individuals going to court must be presented around the same time in the mornings often only to wait for long periods or to find that they do not appear at all. For example, the transport provider reported to us that on 22 August 2024 in Glasgow Sheriff Court alone 29 people were transferred from prisons who were ultimately not required to appear in court.

A further example is found in the limited use of virtual technology to reduce the demand for prisoner transport which often takes the form of long return journeys to attend in-person court appearances. Optimising digital capacity was a recommendation made by HMIPS as far back as 2012, but the current report goes further suggesting that all partners in the justice system embrace a joint obligation to ensure that every journey is a necessary one, that is as short and efficient as possible. This would aim to minimise the risk of cancellations and failure and thereby release resources. We have found that cancelled appointments have contributed to wasted resources in the NHS and resulted in the redeployment of police and prison officers. This risks degrading prison regimes and stifles delivery of critical casework in circumstances where many prisons are already coping with overcrowding.

There have been significant, well-recorded performance deficits with the current transport provider. The operating context changed substantially following the COVID-19 pandemic, influencing a recalibration of the contract. Any new approach must be preceded by a full options appraisal, informed by failure analysis. It should also take into account the trauma-informed thinking permeating justice aspirations. Relationships developed in prison perhaps point to a different model with prison staff escorting prisoners to events such as children’s hearings, family funerals, escorted leave to inform progression and hospital appointments. This should be considered in the next round of commissioning and arguably should be overseen by the Criminal Justice Board and not left solely to the SPS.

Forward planning must now take into account the lessons learned from the experience of designing, commissioning, procurement, management, and delivery of the current contract if Scotland is to ensure that we do much better in future in delivering a rights-respecting, trauma-informed, reliable and resilient transport service for those in custody that focusses on the end user experience.

“Planned failure” is a term used when the prisoner transport provider alerts the SPS to where it expects to be unable to undertake an escort. Regrettably, the transport provider has frequently, and at times on a daily basis, had to alert the SPS to its “planned failure” to deliver booked escorts on time or at all. This has inflicted significant detriment on the efficient running of the justice system as well as the health, wellbeing, family relationships, and potentially opportunities for progression of prisoners.

HMIPS acknowledges the challenges facing the transport provider and the considerable efforts made by the Scottish Government, the SPS and GEOAmev to improve compliance with the current contract. We acknowledge too that performance has markedly improved throughout 2024. This report also highlights examples of where local prison management have done their absolute best to compensate for the failure of the prisoner transport service and get prisoners to hospital and other important appointments. We commend them for that.

However, the case studies also highlight the potential significant infringement of human rights that has occurred, and the unacceptable nature of what prisoners have had to endure with excessively long journeys, sometimes without toilet stops, being obliged to use urine bags in the van, sometimes for a court appearance lasting only a few minutes. In one instance, we were told that a young person left HMP YOI Polmont just after 10am for court in Dumfries and arrived back at 2am, 16 hours later, after a four-minute court appearance. That cannot be considered either efficient or humane in a 21st century Scotland where virtual court technology provides alternative options. Moreover, the fact that as a result of these transport failures hundreds of people in custody have been denied the opportunity to attend family funerals or arrived late, or repeatedly missed hospital appointments, some of which were exploratory, or related to cancer treatment, is wholly unacceptable.

The justice system as a whole must work together to embrace technological solutions and modernise practices where possible, to reduce the demands placed on the prisoner transport service. The SPS and partners must ensure, through the next service tendering exercise and contingency planning, that failure on the scale that has occurred with this contract, with its detrimental impact on the health, wellbeing and dignity of those in its care, is never repeated.

Stephen Sandham,  
Interim HM Chief Inspector of Prisons for Scotland

## **1. A Human Rights-based Overview of Prisoner Transport in Scotland**

When an individual is imprisoned, they enter the total care of the state and become reliant upon it to meet all their basic needs. They are often some of the most vulnerable people in society. In assuming this responsibility, the state must ensure that the human rights of those in its care are protected. While some may be limited in certain exceptional, necessary, and proportionate circumstances – they must not be limited arbitrarily or without cause and there are some rights, absolute rights, which can never be limited.

Prisoners are required to be transported for a variety of reasons, including to facilitate court appearances, children's hearings, hospital appointments, funerals, police identification parades, or transfers to a different prison. The safe, secure and timely transportation of prisoners is the statutory duty of the SPS.

The transport of prisoners engages a wide range of human rights issues under the European Convention on Human Rights, as well as under international treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child in relation to children, and the Convention on the Rights of Persons with Disabilities in relation to disabled persons and under the Convention on the Elimination of All Forms of Discrimination against Women in relation to women.

In addition to those general rights provisions, certain "soft law" rules and standards relevant to prisoner transport include the United Nations Standard Minimum Rules for the Protection of Prisoners (Mandela Rules), the Council of Europe European Prison Rules, and standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

While the operation of the contract to provide prisoner transport is run by a private company, the responsibility to ensure these rights are upheld remains with the Scottish Government. As a general rule under international human rights law, where a State contracts out essential public services to private organisations, it remains responsible for any breach of human rights.

The findings of this review evidence a number of poor outcomes for people in custody which raise concerns over potential violations of obligations. While it is pleasing to note that criminal justice partners have attempted to provide alternative arrangements when the contractor has been unable to provide transport for some appointments, this has not provided a reliable contingency.

## **Access to Healthcare**

Prisoners have the right to the highest attainable standard of physical and mental health and should have access to healthcare services of the same standard as is available outside of the prison, without discrimination. The Mandela Rules are clear that prisoners who require specialised treatment or surgery should be transferred to hospital without delay.

In instances where lack of available transfer impedes an individual's ability to access healthcare, a number of potential violations arise. The European Court of Human Rights has previously held that inadequate provision of healthcare for prisoners can breach article 3 (Prohibition of torture, cruel, inhuman and degrading treatment), article 8 (right to respect for private life) and article 2 (right to life).

Any failures of the state to fulfil their obligations to ensure timely access to healthcare for prisoners can represent a critical risk to the health and wellbeing of individuals in custody. When these transport arrangements fall short, it not only delays necessary medical treatment but also potentially risks encroachment on the fundamental human rights to life and dignity.

Prioritising healthcare appointments when mitigating failings of the provider is essential to upholding the standards set forth by international human rights norms. Ultimately, safeguarding the health of prisoners is not just a legal obligation; it is a moral imperative that reflects society's commitment to justice and humanity.

## **Escorted Leave for Compassionate Reasons**

Where security considerations allow, prisoners may be entitled to leave prison to attend a relative's funeral, to visit a seriously ill family member or to attend a marriage or civil partnership ceremony. While such rights are not unconditional, the facilitation of these visits are important to fulfilment of article 8, right to respect for private and family life.

This review highlights examples where prisoners were either late or missed funerals entirely and had appointments to visit sick relatives cancelled at short notice exacerbating the emotional toll on prisoners and their families. The European Court of Human Rights has made clear that it is an essential part of a prisoner's right to respect for family life that the prison authorities assist him or her in maintaining contact with his or her close family and that the refusal of leave to attend a relative's funeral constitutes an interference with the right to respect for family. Article 8 does not guarantee an unconditional right to leave to attend a relative's funeral. However, the authorities can refuse an individual the right to attend the funeral of a parent only if there are compelling reasons for such refusal and if no alternative solution can be found.

The European Court of Human Rights has made it clear that logistical considerations cannot be a reason for denying compassionate leave; instead, the authorities must demonstrate that all reasonable efforts have been made to facilitate these visits.



## Progression

While imprisonment is a legitimate limitation of the Right to Liberty - a human rights-based approach requires proportionate limitations of rights to be as minimally restrictive as necessary.

In the context of prison, this means that where an individual is assessed to demonstrate a low risk to the community, they should have various freedoms and opportunities restored. The international human rights framework is also clear that States have a duty to prepare prisoners for release and assist them in their reintegration to the community.

The existence of an Open Prison fulfils this human rights obligation and allows prisoners held in closed conditions to have something to strive for in their rehabilitative journey. HMIPS has published a recent thematic review into progression which highlighted a number of systemic concerns.

To address offending behaviour, some prisoners are required to undertake programmes to address criminogenic need. These programmes are available at specific prisons and can have long waiting lists. To access them, a temporary relocation may be required. Failings in the transport provision could mean prisoners are unable to secure their transfer timeously and could result in them being held in closed conditions for longer, potentially impacting on applications for parole or home detention curfew.

Human rights require that the treatment of prisoners is not only humane but also conducive to rehabilitation and reintegration into society. The progression model should provide a structured pathway for lower risk prisoners to gradually regain some freedoms. However, the systemic issues highlighted in HMIPS’s thematic review reveal significant barriers that hinder effective progression. The inefficiencies in transport and access to essential rehabilitation programmes identified in this review may not only prolong incarceration but also jeopardise the fundamental aims of reducing recidivism and promoting public safety.

To truly honour the principles of rehabilitation and reintegration, it is imperative for the justice system to address these shortcomings.

## Overall

This review has established that problems experienced in prisoner transport are not merely logistical failures; they represent significant risks of violations of rights that demand urgent attention.

Transport failures not only hinder access to healthcare, compassionate leave, and progression opportunities but may also exacerbate the psychological and emotional burdens borne by prisoners and their families.

The responsibility of the SPS and MALG partners to oversee these operations on behalf of Scottish Ministers underscores the necessity of accountability at all levels. The reliance on private contractors must not diminish the state’s duty to ensure that human rights are respected and upheld consistently. Therefore, it is imperative that any corrective measures take a holistic approach, addressing not only immediate logistical challenges but also the broader implications for human dignity and rehabilitation. The potential impact of these failures on prisoners and their families cannot be overstated.

## 2. Background

In recent years, the issue of prisoner transport failures, and the regularity with which there have been sustained periods of poor performance by the provider, has been a striking feature of the feedback received by HMIPS and IPMs from people in custody and partner organisations notably, the NHS.

In response, HMCIPS has repeatedly escalated matters to the SPS and to Scottish Government since 2019 when particular concern was raised in relation to cancelled secondary health care hospital appointments. At that time, a response provided assurance that actions were being taken by the SPS and the transport provider to rectify the shortfalls.

In 2020 concerns were again raised formally with the SPS Chief Executive, with particular regard to the number of non-court appointments that were being cancelled. The response received was comprehensive concluding:

"While delivery of the service is much improved, SPS remains committed to the continuing close management of the contract through both the Contract Management Unit and the Escort Monitor Team, and to the further improvement of both performance and welfare aspects of the contract. SPS is taking steps to ensure that the performance can return to pre-COVID-19 levels immediately on a return to normal business, and to ensure that work on improving systems and processes continues during the disrupted period."

However, in 2021, concerns about late arrivals to prisons from courts and other non-court matters prompted further communication. Again, the response outlined the SPS position, and the steps taken to resolve the issue. Context was also recognised that these were particularly challenging times during a global pandemic.

In January 2022, HMCIPS wrote to express concerns that failures relating to cancellations for non-court appearances, and in particular healthcare appointments, over the previous quarter had continued to occur. In response, a detailed position statement was provided by the SPS along with statistical evidence of an improved performance in the first quarter of 2022.

Notwithstanding this, in 2023 HMCIPS was prompted to raise concerns on two further occasions, in response to continuing cancellations of hospital appointments, interprison transfers and other contractual requirements. Despite further reassurance that actions were being taken by the SPS and the transport provider, GEOAmev, to rectify the shortfalls, concern remained and by late 2023 service failure was widespread attributed mainly to a staffing shortage compounded by changes in the demand for the service in the postpandemic period. SPS made HMIPS aware that a daily list of "planned failures" was now being issued to prisons by the transport provider to let them know, with short notice, which booked escorts would not be fulfilled in order that that justice partners could attempt to mitigate the impact by stepping in to provide transport by deploying their resources where possible.

By the start of 2024, the alarming rate at which planned healthcare appointments, external to the prison, were being missed or delayed as a consequence of failure to provide transport prompted further written communication to SPS and the Scottish Government. The significant volume, recent increase, and apparent differences in performance between establishments were all matters giving rise to serious concern.

Following this, the response from the SPS demonstrated that, as 2024 progressed, the position was improving, with health appointment failures significantly reducing and an improved staffing position in place.

In keeping with the requirement to report publicly, the issue features strongly in Prison Inspection Reports and Prison Monitoring Reports. In the [HMCIPS Annual Report 2022-23](#) the issue of transport problems is cited many times. The concerns can be summed up in the following excerpt:

"Over my [Wendy Sinclair-Gieben's] tenure there have been serious issues with fluctuations in the performance of the prisoner transport provider with unacceptable drops in performance that I have repeatedly raised with the Scottish Prison Service and the Cabinet Secretary for Justice.

Since 2019, failure to meet the requirements of the prisoner transport contract has seen worrying cancellations of hospital appointments, interprison transfers, and other contractual requirements. Despite being reassured that actions were being taken by the SPS and GEOAmeY to rectify the shortfalls, this remains a key concern. I am pleased to note that there has been a recent reduction in the number of critical hospital appointment cancellations.

Recruitment and other issues have affected GEOAmeY's ability to meet their contractual requirements and have contributed to prisoners missing hospital appointments, late admissions, and journeys on prison transport that appear disproportionately lengthy. However, GEOAmeY's challenges have not been helped by being required to take many prisoners to court who turn out not to be required. Accordingly, we have begun a full thematic review of prisoner transport, which we hope will publish in 2024."

### 3. Methodology

This review was initiated by Wendy Sinclair-Gieben, former HMCIPS, and conducted by Jacqueline Clinton, the Thematic Lead Inspector from HMIPS.

Despite the profound impact that prisoner transport can cause we found that there was a lack of research on this topic. At an early stage of the work in January 2024, a literature review, completed by Scottish Government Library concluded that there was little substantive work on provision of transport services for prisoners in the UK.

This is the second review of prisoner transport conducted by HMCIPS, a previous one was conducted in 2012 in a very different context.

Following the review of relevant communications and publications, consultation, site visits, interviews and focus groups were undertaken with an extensive range of professionals identified as points of contact across the Criminal Justice System and from other key stakeholders such as people in custody, prison and transport provider staff. We are deeply grateful to all those who have contributed to this review (see Annex A).

Other activity undertaken in support of the review is detailed below.

- Attendance at a MALG quarterly meeting.
- Site visits to 12 prisons and two court custody units.
- A day spent accompanying an SPS Escort Monitor.
- Two days spent with the transport provider GEOAmey at Bellshill.
- Examination of transport vehicles.
- Examination of Personal Escort Records.
- Liaison with HMIPS Prison Expert Group.

Fieldwork was completed between October 2023 and July 2024.

## 4. Key Messages from the Review

1. As stated in [the 2022/23 audit of the Scottish Prison Service](#), Section 22 report to the Public Audit Committee, prisoner transport is critical to the effective operation of the criminal justice system in Scotland. Crucially, we have found it also impacts profoundly on the health, wellbeing, progression through the prison system, and therefore the rehabilitation of the people using the service. Failure can also cause distress to families. Despite this, the issue is under-recognised garnering very little mention in the Scottish Government's [Vision for Justice in Scotland \(Scottish Government, 2022\)](#) or the [Scottish Prison Service Corporate Plan 2023-28](#).
2. People in custody are particularly vulnerable to ill treatment and the arrangements for external inspection and monitoring of prisoner transport by HMIPS are not sufficiently proactive. Whilst a significant volume of relevant inspection findings have been published, and repeated calls for improvement made, examination of the approach to scrutiny has found that it has been reactive, in response to feedback. The HMIPS Standards for Inspecting and Monitoring Prisons in Scotland do not specifically refer to prisoner transport provision and the attendant impact on people in custody. Moreover, the issue also appears to have gone under recognised by other international Human Rights Bodies. This is why the report [Review Recommend Repeat](#) published by the Scottish Human Rights Commission and the National Preventive Mechanism in July 2024, which reviews recommendations made by international human rights bodies at the United Nations and the European Committee on the Prevention of Torture relating to prisons over a 10-year period, does not mention prisoner transport.
3. There are performance measures and data designed to manage and monitor compliance with the complex prisoner transport contract. However, there is no reliable information that provides a person-centred overview of how end users have been affected by transport failures after contingency arrangements have been attempted. Moreover, there is no requirement within the contract specification to prevent unnecessarily long and arduous journeys or excessively late prison admissions. When transport has failed, some people in custody have suffered detriment that risks encroachment on their human rights. Lessons must be learned to reduce the risk of continuation or repetition.
4. There is scope for partners to work more cohesively together to ensure their practices align to maximise effective and efficient transport service. Provision of prisoner transport via ancillary suppliers is welcomed and valued by all stakeholders. The arrangement removes a logistically complex service from partners in the criminal justice system reducing duplication of work and allowing them to focus on core business. However, transport provision has been characterised by regular periods of poor performance that, in reality, have inflicted a negative impact on the operational delivery of partners across the wider criminal justice system.
5. The commissioning and procurement of the current prisoner transport contract has, by design, delivered a sole provider. In addition, there was only one final bidder, other potential bidders having withdrawn from the process at a late stage. Given that work has commenced to prepare for a new or extended contract it is now critical that the considerations, processes, and market engagement that led to this fragile outcome are carefully considered.

6. The prisoner transport provider in Scotland has faced a challenging task. There have been changes to the operating context and services required; the volume and complexity of people in custody has increased, courts and hospitals have become busier recovering from a backlog caused by the restrictions of the pandemic period. The contract covers a broad range of functions across court and non-court related activity with competing demands that are unpredictable, unlimited and concentrated in the morning period. Times to access prisoners have become more restricted in the post-pandemic period, while prisoners can be moved between police stations or between prisons further away from courts in response to measures to cope with capacity issues. These challenges, along with a staffing crisis stemming from pay and non-pay related terms and conditions, have impacted on delivery, resulting in decisions about which escorts will not be done communicated via daily lists of "planned failure" with sometimes devastating effects on people in custody.
7. All of the partners sharing responsibility for the delivery of prisoner transport via the MALG expressed and demonstrated care, compassion and humanity for the people affected by failure. Nonetheless, due to unreliable contingency arrangements that relied on local prisons mobilising their limited resources at very short notice, the SPS was very often not in a position to provide sufficient alternative transport when the service provider was unable to meet demand.
8. There is scope to reduce demand for prisoner transport. There are many journeys made that may be unnecessary and many that are longer than they need to be for a number of reasons. Delivery of certain court proceedings, healthcare services and other external appointments through virtual media has potential to reduce demand for prisoner transport that should be optimised. This was a previous HMIPS recommendation in 2012 and is repeated in court custody unit inspection reports.
9. The voices of people with lived experience have not informed the design or monitoring of prisoner transport. Complaints forms were available in prison reception areas but could not be accessed freely. They are used infrequently and people in custody were clear that they have no faith in the complaints process.
10. When prisoner transport fails there are significant hidden financial and opportunity costs, such as wasted hospital appointments, court time and police and prison officers diverted from core tasks. NHS teams in prisons report that the work to reorganise appointments is time consuming. When prison officers are redeployed, it is likely that reduced regime provision and casework will be the consequential impact within the establishment.

## 5. The Statutory Framework for Prisoner Transport and its Scrutiny

Prisoner transport is needed to convey people in the custody of Police Scotland or the SPS, to any planned activity outside of the secure facilities. It is provided under a contract known as the Scottish Court Custody and Prisoner Escorting Service Contract (the contract) that was awarded by Scottish Ministers to GEOAmev PECS Ltd (the transport provider) in 2018. Operations commenced in January 2019.

For management and reporting purposes, the functions in the contract are separated into two categories, known as court and non-court activity. In terms of performance outcomes, the two elements are measured separately.

In the court category, transport related to co-ordinating prisoners for appearance at court is defined as detailed in Annex B. Failures in this type of escort will impact on court business and could have legal consequences for the responsible organisations. Whilst this element of transport provision can be subject to "planned failure", in that it is programmed to be late, delivery of this category of transport is protected in that it is not subject to "planned failure" cancellation by the transport provider.

The nature of the second category of transport, which is not related to court and is vulnerable to "planned failure" cancellation due to pressures on the transport provider's staffing resources, covers events such as attendance at children's hearings, family funerals, visits to family members who are dangerously ill, secondary healthcare treatments such as hospital appointments, supervised progression-related visits. The full list is set out in Annex B.

Section 102 of the [Criminal Justice and Public Order Act 1994](#) specifies the requirements for the provision of prisoner transport in Scotland and enables delivery of the service by a private contractor. [The Prison and Young Offender Rules \(Scotland\) 2011](#) places an obligation on the transport provider to protect the privacy of those in their care from public scrutiny. See Annex B for more detail on the underpinning statutory framework.

HMIPS is responsible for the inspection and monitoring of Scotland's prisons, court custody units and prisoner transport service on behalf of Scottish Ministers. This review considers the provision of prisoner transport. Inspection and monitoring activity involves scrutinising the treatment of and the conditions for prisoners using HMIPS's [Standards for Inspecting and Monitoring Prisons in Scotland](#), which are founded on human rights. HMIPS report publicly on its findings via inspections, monitoring, and Annual Reports.

The specific duties in relation to prisoner transport are found in an amendment to the Act, section 7 (2) (b):

"To inspect the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements (within the meaning of section 102 (arrangements for the provision of prisoner escorts) of the Criminal Justice and Public Order Act 1994)."



## 6. The Scottish Prison Service (SPS) and Management of the Prisoner Transport Contract

The Prisoner Transport Contract was designed and commissioned by the SPS, who have put in place a Contract Monitoring Team consisting of three Prisoner Escort Monitors, a Senior Contracts Manager, a Contracts Manager and a Head of Private Contracts Operations.

The Prisoner Escort Monitors work closely with the transport provider on a daily basis and through monthly operational meetings, to scrutinise and manage performance in line with the contract. The SPS Head of Private Contracts Operations meets with the Prisoner Escort Monitors weekly to obtain regular briefings to support them in this activity.

To inform their scrutiny, the SPS Prisoner Escort Monitors conduct a number of audits each week covering issues across the requirements of the performance measures in the contract. They also deliver routine, dynamic monitoring, conduct spot checks, and compile themed reports. They scrutinise any serious incidents and subsequent processes and investigations by the transport provider, focussing on the actions of staff and follow-up management responses. Prisoner Escort Monitors are empowered to remove Prisoner Custody Officers (PCOs) from duty whilst investigations remain ongoing.

Ongoing issues, including obtaining reliable performance data, appear to have resulted in a strained relationship between the Contract Monitoring Team and the service provider at the operational level. This was acknowledged by both organisations. The transport provider confirmed that they are investing in new IT solutions to resolve the data issues, but this is taking time. The SPS monitoring team indicated that given the ongoing issues, they would benefit from additional capacity in their team, for example for deployment to the operational control centre of the transport provider. They were clear that when Prisoner Escort Monitors were set up, they had not expected the performance failure level that has been experienced.

The monitoring team is comprised of managers who bring a wealth of operational experience and have been engaged in monitoring the transport contract for some years. However, they have never undergone formal training in contracts management. To enhance governance of any large contract going forward it may be beneficial to support the team through professional development in contracts management.

### **Recommendations - To develop the SPS approach to contract management.**

**Recommendation 1:** The SPS should consider deployment of additional resources to intensify monitoring activity in response to need.

**Recommendation 2:** The SPS should consider enhancing the management of contracts that have the potential to impact significantly on people in custody by providing the Contract Monitoring Team with access to professional contract management development such as that described in the [Guidance for Civil Service: helping you with managing contracts and suppliers](#).



## 7. HMIPS and Scrutiny of Prisoner Transport

[The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015](#) invoked IPMs and Prison Monitoring Co-ordinators as part of an enhanced scrutiny function. The IPMs are members of the community who volunteer for this important role in public office that requires them to ensure every prison is visited weekly for external scrutiny.

Importantly this Order also adds context to the purpose of HMIPS. It emphasises the preventive aspect of the role as detailed in the excerpt below. This is particularly relevant to the recommendations in this section of the report.

### **Purpose of inspection and monitoring of prisons**

**“6A.** The provisions of sections 7 to 7G are in pursuance of the objective of OPCAT, that is, the objective of establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel, inhumane, or degrading treatment or punishment.”

Since the previous review in 2012, HMIPS have brought in new scrutiny arrangements as part of a programme of systematic court custody unit inspections that are separate from those conducted on each prison and are guided by a separate set of Standards. The court custody unit inspections also examine conditions on vehicles and have developed [Court Custody Vehicles Standards](#) to underpin this activity. Prison inspections and monitoring activity also report on transport-related issues as they are encountered or brought to the attention of inspectors.

The programme of HMIPS prison and court custody unit inspections and monitoring, coupled with the contract management and monitoring arrangements delivered by SPS provide for a thorough system of internal audit and external inspection. This is good practice and in accordance with the [Guidance Document On The Nelson Mandela Rules, Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners](#) which calls for such a two-tier system. It seeks that these separate processes complement each other and draws the distinction between them; internal inspections are conducted by central prison administrations, monitoring compliance with laws and regulations with a focus on technical aspects and their findings are not usually made public; external scrutiny differs in that it is independent from the prison administration and is typically focussed on prisoners' rights and the prevention of ill treatment with an emphasis on implementation of national and international human rights standards. Their findings are often made public and as detailed previously this has been the case in relation to prisoner transport.

Notwithstanding this duality of scrutiny, the current review has identified some areas for improvement. Despite its potential to impact on human rights and wellbeing, the [Standards for Inspecting and Monitoring Prisons in Scotland](#), and accompanying Quality Indicators developed by HMIPS in 2018 do not make direct reference to transport provision. This means transport is not subject to proactive scrutiny in the inspection and monitoring processes. Similarly, the recently introduced HMIPS pre-inspection prisoner survey does not seek explicit feedback from people in custody about their experiences of transport.

Recognising that those deprived of their liberty are uniquely vulnerable to risk of ill treatment and that external scrutiny plays a vital role in prevention, alongside what is known about failures in transport provision, it is appropriate that HMIPS now review its Standards for Inspecting and Monitoring Prisons in Scotland. The aim should be to strengthen the proactive element of external scrutiny in relation to prisoner transport and to better ensure detection of systemic factors that could contribute to this risk, rather than responding to reports from prisoners or prison staff after negative events and experiences have already occurred.

**Recommendation - To improve external scrutiny of prisoner transport.**

**Recommendation 3:** HMIPS should now conduct a review of the Standards for Inspecting and Monitoring Prisons in Scotland, Quality Indicators, pre-inspection surveys and approach to inspecting court custody units. The aim is to develop a framework that will deliver specific and proactive scrutiny of the provision and impact of transport as a discrete service affecting people and systems in each prison or court custody unit and in the context of its potential to encroach on human rights.

## 8. Issues to Consider when Tendering for Future Prisoner Transport Services

In Scotland, the range of transport services delivered under the contract is broad, covering all of the court and non-court activity. This is different from the position in England and Wales, where the contract only extends to provision of transport in relation to court activity and interprison transfers. Whilst court transport can be planned so late that the activity does not ultimately go ahead, only non-court transport is vulnerable to "planned failure" cancellation by the provider.

The decisions to define the service in this broad way and to stipulate that all prisoner transport should be delivered by one provider, were made when the nature of the contract and the performance measures were planned and specified. The design and procurement of the contract was led by SPS in partnership with the MALG partners. Ultimately the invitation to tender for the contract attracted only one final bidder as other potential bidders withdrew from the process.

This report offers a number of reasons for reconsidering these fundamental decisions in planning for future provision.

### 8.1 Trauma-informed relationships

The first of these relates to the importance of relationships in the context of sentence management casework. One of the non-court elements of the contract involves transport and escorts to undertake short, accompanied visits to an approved address outside of the prison. This is known as the Special Escorted Leave (SEL) Scheme. This activity helps facilitate testing of certain prisoners' response in the community as an element of gradual preparation for eventual release known as the Progression System. Such privileges are granted only after careful risk assessment by SPS and its partners. Onward progress for the person in custody, potentially to participate in the unescorted Home Leave Scheme in open prison conditions, will take into account the response to these visits as recorded by the escorting officer. Staff, managers and people in custody who contributed to this report felt these types of escorts are a crucial element of prison casework. They rely upon relationships, knowledge of the case and the person, as well as detailed report writing, to inform individualised plans and risk-based decision making that aims to protect the public.

"It is better to go on SELs with SPS staff. It is good for your personal officer to see you on the outside. They know you and they are better able to respond and manage situations."  
Person in custody.

A further issue relates to the reliability of the current provision. In reality, it was reported by SPS, people in custody and via the performance data that at times there has been sustained and sometimes widespread failure to deliver these types of escorts which may have played a part in delaying prisoners' progression. This issue was also cited in the [HMIPS Review of Prisoner Progression in Scottish Prisons](#) published in June 2024. Such a delay has potential to affect the consideration of cases for early release because participation in the SEL Scheme aims to help demonstrate risk reduction.

Similarly, the escorts in relation to life events such as family funerals in the non-court category were often considered to be more sensitively and appropriately undertaken by staff with whom relationships have been built and who are in a position to liaise flexibly with families directly to make arrangements.

## **8.2 Unlimited requirements**

In addition, the broad range of prisoner transport requirement in Scotland is compounded by the fact that demand for service is unlimited for the most part and therefore volume is not predictable and can fluctuate dependent on the level of bookings made. In the main, bookings take no account of service provider capacity.

## **8.3 Timing demands**

The transport providers have reported that they are particularly challenged by a concentration of demand in the mornings caused by the combination of courts and health appointments compounded by changes in the operation of the prison opening times. They referred to this as "the 120-minute operating window" for court arrivals from when the person is made available for transport to the point, they are required to arrive at courts across the country. They are concerned that this is narrowing.

## **8.4 Court versus non-court prioritisation**

The court and non-court elements of the contract are disparate and SPS contract monitors observed that they are likely to compete with each other for resources especially when contractual Performance Improvement Notices have been served relating to one aspect of delivery. There is a risk that court obligations may take priority given the potential legal and reputational consequences of failure. Court transport is not subject to planned cancellation.

## **8.5 Sole provider**

The requirement for a sole provider may increase the impact and risk of contract failure, especially given the staffing challenges that have been faced by the sole provider. The escort arrangements impact across the justice system, and the historical failure to sustain an improved performance argues in favour of a review of the underpinning contractual assumptions. Distribution of responsibility and resources for some elements of prisoner transport may help mitigate the risk and impact of failure.

Prompted by these issues and some of the views put forward by stakeholders, this report suggests it is now an appropriate juncture to consider whether there are elements of prisoner transport that could be appropriately and effectively delivered by other providers or in-house by police or prison officers in their role as key workers or personal officers in a person-centred case management context.

## **Recommendation - To assure delivery of a rights-respecting prisoner transport service in the future.**

### **Recommendation 4: A full appraisal of the available options should be undertaken in advance of taking forward any new or extended prisoner transport arrangements.**

Failure analysis should be part of this. The options appraisal should be done utilising HM Treasury's [Green Book Methodology](#) to assess the costs, benefits and risks of alternative ways to meet the government objective of providing effective prisoner transport. Parameters should be agreed in advance and should focus on the importance of protecting and respecting the human rights of people in custody and their families, taking into account lessons learned from the experience of the current contract. There should be reconsideration of the decision to seek a sole provider and whether elements of the service should be delivered separately. **The options appraisal should recognise the importance of relationships when delivering effective case management and a trauma-informed and reliable service especially where life events or critical health appointments are concerned.** The option of in-house delivery by criminal justice partners for all, or parts of prisoner transport requirements should be included. Any procurement exercise should undertake sufficient market engagement to encourage bidders. There is a key role for the Scottish Government in this activity.

## 9. Contract Governance and Contingency Planning

### 9.1 Governance

The SCCPES contract was awarded by Scottish Ministers to GEOAmey PECS Ltd (the transport provider) in March 2018 for an initial eight-year period, up to end of January 2027, with the possibility of a further four-year extension until January 2031.

The contract is managed on behalf of Scottish Ministers by SPS and a Multi-Agency Liaison Group (MALG) which is a group of partners across the wider Criminal Justice System. The MALG is chaired by a senior SPS manager and attended by representatives from Police Scotland, Crown Office and Procurators Fiscal Service (COPFS), the Scottish Courts and Tribunals Service (SCTS) and members of SPS Contracts Monitoring Team. The transport providers submit a Quarterly Performance Report and Contract Improvement Plans where appropriate. These form the basis of scrutiny, discussion, and feedback at a Quarterly Business Review. When necessary, the escalation route is via the Criminal Justice Board and therefore Scottish Government through the structures of the constituent organisations.

The MALG is an important element of the governance of delivery of prisoner transport however its purpose and remit are not set out in formal Terms of Reference. The current membership are stakeholders with an organisational and operational interest in specific elements of the contract; certain deficits will impact negatively on their functions and potentially make demands on their resources. Feedback from partners coupled with the experience of observing a meeting indicated that whilst it was a collaborative forum, partners can work independently rather than together and there are competing demands which can be affected by the relative influence of the constituent services.

We were also told that changes to partners' practice can occur without full consideration of the attendant transport requirement or contract specification. An example provided related to the remobilising of remote courts as part of the Scottish Government's Recover Renew Transform programme for which we were told there were occasions when preplanning with the transport provider did not take place and they only became aware of the reopening of the court when they were required to undertake an escort to it.

Given the contract is awarded by Scottish Ministers, the MALG may benefit from the addition of a Scottish Government chair or representative to provide additional independent assurance that strategic ministerial interests are met in the most efficient and effective way.

### 9.2 Contingency planning

The SPS and MALG partners reported in the Section 22 report that they were working on contingencies in the event of contract failure and the most recent update provided by SPS is that this work continues.

The partners also support contingency arrangements that are taking place every day in relation to non-court activity. Essentially, these apply when the transport provider communicates the evening before or on the morning in question that certain booked, non-court, escorts will not be fulfilled by them principally due to staffing issues. The contingency response is that either Police Scotland or the affected prison staff will step in at short notice or cancellation of the booked escort. Both outcomes occur regularly. The example below illustrates how one prison invoked a local contingency, and the SPS later invoked a co-ordinated central response to the requirement for inter-prison transfers:

## Contingency Planning - Inter-Prison Transfers.

In response to repeated failures of inter-prison transfers in early 2024 Low Moss Prison arranged for staff and transport to be available at the weekend, a time when the regime is less intensive because there are a reduced number of prisoner work and training areas operating. This maintained a flow of those progressing to Open Conditions at HMP Castle Huntly as part of the Prisoner Progression System as well as other inter-prison transfers to reduce risk of overcrowding and move people to their prison of allocation. Later in the year SPS progressed to central co-ordination of inter-prison transfers to optimise resources.

Local arrangements notwithstanding, the nature of this dynamic daily contingency has not been captured as a formal arrangement. In addition, we could not find evidence that there has been full consideration of whether a more joined-up approach (such as the central co-ordination in the example above or better communication with the service provider such as that in the example below) has further potential to reduce risk of cancellations:

## Contingency Planning - Local Collaboration.

Working together the management team at HMP Dumfries built up a working relationship with the transport provider at a local level and liaised to programme long journeys in a shared way by splitting the journey between the transport provider and the prison. The prison team also made advance arrangements to undertake specific escorts to allow the transport provider to refocus resources where needed most. In this way they aimed to ensure that preplanning reduced the number of transport bookings subject to "planned failure".

## Recommendations - To develop Governance of the prisoner transport service.

**Recommendation 5:** The MALG forum should be underpinned by a formal Terms of Reference. It should be a strategic forum and demonstrate independence in decision-making through the appointment of an independent chair who is a member of the Scottish Government.

**Recommendation 6:** A subgroup of the MALG should be formed in which operational partners consider in more detail how they can best work together to problem solve and ensure their relevant practices are cohesive in creating conditions in which the transport provider can operate to best effect and the rights of people in custody can be protected. Performance measures should focus on the end user experience.

**Recommendation 7:** The MALG should commission written contingency arrangements to describe how a joint response to risk or occurrence of large or smaller scale failure of prisoner transport should be responded to or mitigated to minimise negative impact on service users and their families as well as the criminal justice system. The obligations of the human rights duty holder should be explicit within the agreed contingency arrangements and the providers of any contingency response should be resourced to provide it.



## 10. Contractor Performance and Challenges Facing the Contractor

### 10.1 Performance against contract

The [2022/23 Audit of the Scottish Prison Service](#) reports that since mid-2021 the transport provider failed to deliver the requirements of the contract in several key areas, including court arrivals court returns and non-court appointments. This failure was also acknowledged by the SPS Chief Executive in a letter dated 7 March 2024 in response to concerns raised by HMCIPS. The letter described the action taken by the SPS and the MALG to support improvement under contractual arrangements set out in the excerpt below describing the Improvement Notices.

"Five Improvement Notices and a number of service credits following scrutiny have been applied relating to hospital appointments, data accuracy, Video Identification Parade Electronic Recording (VIPER) appointments and court cell and docks delivery. These have resulted in substantial financial penalties to the transport provider.

- In December 2021, an Improvement Notice was issued in relation to hospital appointments. Performance subsequently improved to compliant levels and the notice was lifted in April 2022.
- In May 2022, an Improvement Notice was issued relating to contractual data accuracy and verification. This stated that GEOAmey had 'not been able to meet or consistently perform its contractual service requirements' in relation to information systems and monitoring, inspection and security risk assessments. The notice advised that the lack of consistency 'to record, store and provide accurate data ... has had a detrimental effect on SPS's ability to verify GEOAmey PECS Ltd achieving the required Performance Measures.' It also highlighted significant issues in relation to the accuracy of verified data to assure SPS that billing information is correct.
- In December 2022, a further Improvement Notice was issued in relation to hospital appointments. During the period August to October 2022, a total of 705 hospital appointments were recorded as GEOAmey failures. Of these, 561 were cancelled by the escort due to resourcing issues. Eighty-six appointments did go ahead late, but the impact on the prisoner or the NHS of these delayed appointments is unknown.
- In February 2023, an Improvement Notice was issued in relation to VIPER appointments, more commonly known as police identification parades. Between September 2022 and January 2023, 368 "planned failures" were recorded where prisoners had not been escorted to planned VIPER appointments.
- In June 2023, an Improvement Notice was issued in relation to court cell and court docks delivery. The notice states that many aspects of the contractual requirement 'are no longer being met or delivered, resulting in significant issues for SCTS, COPFS, Judges, Sheriffs and other partners within Criminal Justice.' It also highlights specific failures in relation to staffing, delivery and security at many court sites. This is resulting in Solemn cases being delayed due to GEOAmey's inability to support court business."



## 10.2 Challenges facing the contractor - increased demands and difficulties in providing competitive rates of pay.

More recently, the SPS and MALG have taken account of particular challenges faced by the transport provider.

These challenges included increased numbers of people in custody. In the paper [Actions to Address the Rising Prison Population](#) published by the Scottish Government in May 2024 the recent rapid rise is described as an "unprecedented situation similar to changes faced across the UK". It stated that.

"Between 1 January 2023 and 16 May 2024, the overall population increased from 7,303 to 8,348; in the past year there has been an increase of 795 or 10.5% (7,553 to 8,348). Today the number in remand are 2,326 this is an increase of 12% since 1 January 2023".

SPS have provided data showing that in addition the number of people in custody aged over 60 has increased by 9.4% in the year from July 2023.

In their [letter to the Public Audit Committee](#) in March 2024 GEOAmev, described the position stating that that they have also been affected by particular difficulties in staff retention and recruitment due to noncompetitive earnings. The demands of a post-COVID-19 court recovery programme, an increase in bed watch requirements and increasing complexities in the needs of the prison population were also cited. In summary their position is that the volume and complexity of demand and operating conditions had changed markedly over the life of the contract in a way that could not have been foreseen.

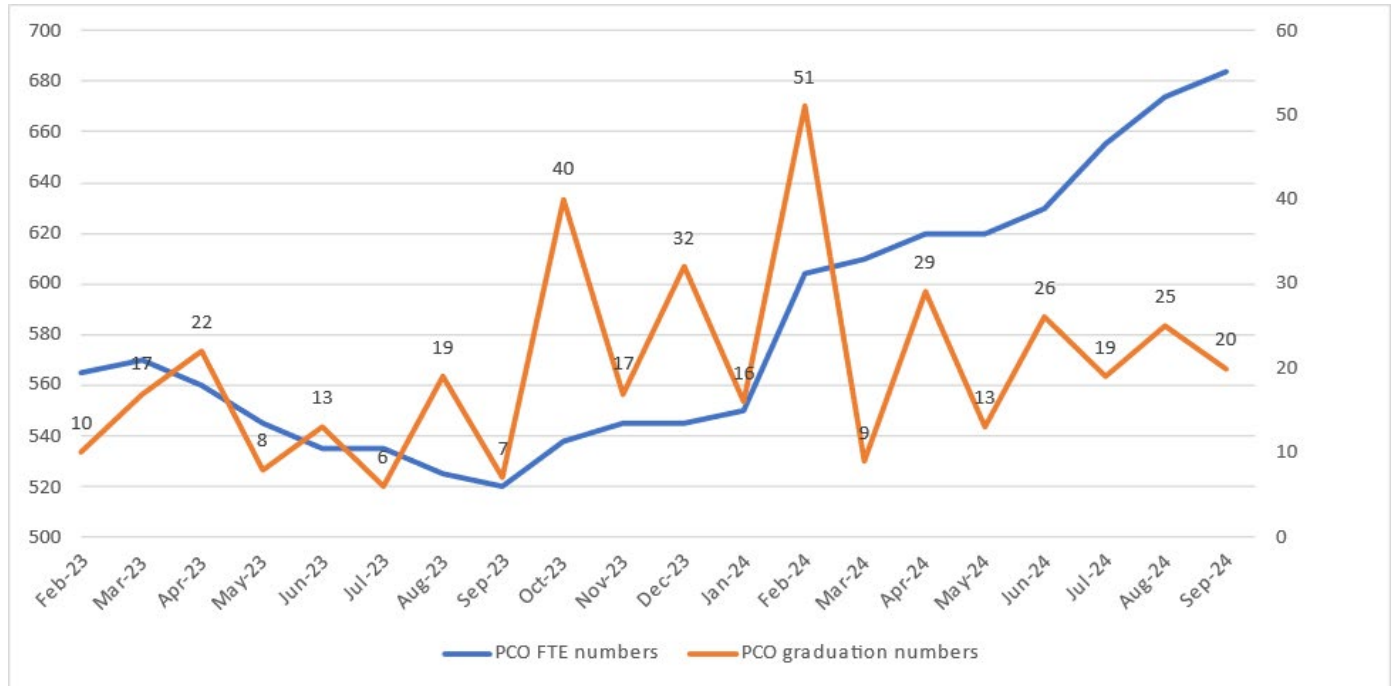
Indeed, the Scottish Courts and Tribunal Service publish [Official Statistics](#) demonstrating how the criminal court recovery programme has significantly reduced the post-COVID backlog of trials from a peak of 43,606 in January 2022 to 23,361 at the end of September 2024. This data set also illustrates how business entering the criminal courts has markedly increased since before the pandemic with the most serious (solemn) business increasing by 28% in 2023-24 compared to 2021-22.

In October 2023, the SPS and MALG partners implemented changes to support the delivery of the contract and mitigate the risk of contract failure. These were communicated to HMIPS by SPS as follows:

- Implementation of 17% increase in hourly rate of PCO salary to £12.50 per hour with further 6% increase available.
- Recalibrated SCCPES contract agreed, signed, and implemented from 1 October 2023.
- Increase in funding of SCCPES contract in excess of £2m per year until expiry in January 2027. Contractual Improvement Plan agreed to evidence increase in staffing levels, linked to improved service and performance, which is contractual and subject to Financial Service Credits if targets not met.
- Temporary change in payment mechanism from volume-based payments to partial fixed payment to stabilise income and expenditure levels for SPS and GEOAmev.

Going forward there is also a continued contractual mechanism for annual salary increases.

In the period since these changes were made recruitment has been successful and staffing has increased. By the end of June 2024, the number of employees had increased to a fulltime equivalent of 630 from a low point of 520 in September 2023 when performance was at its poorest. The transport provider further reported to us in June 2024 that the attrition rate is now the lowest it has been in at least seven years. This progress is in line with target as shown in the graph below:

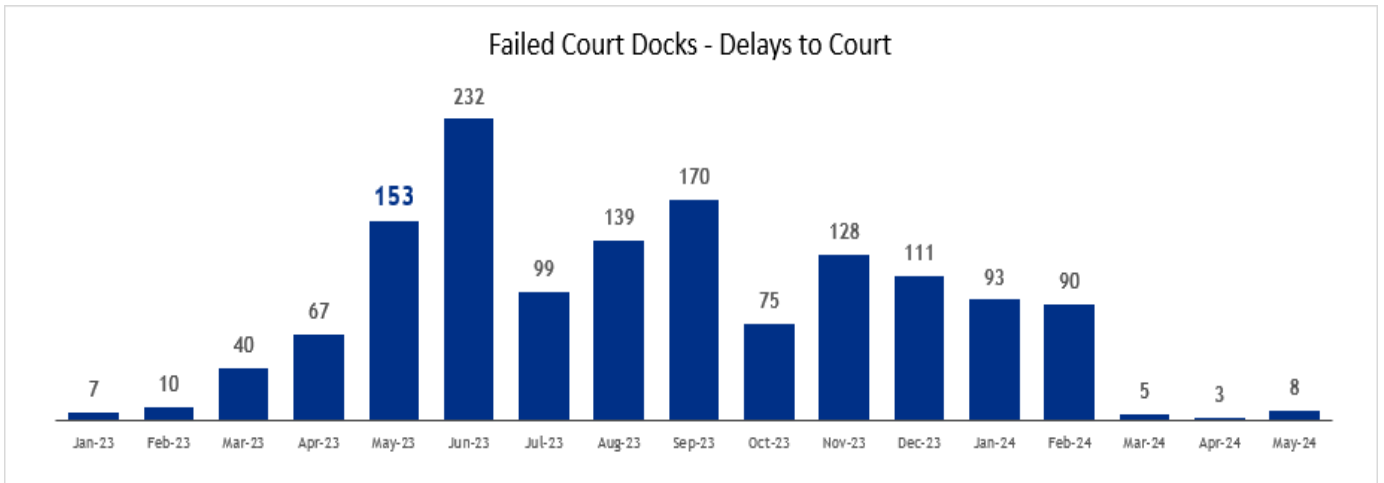


Staffing Graph- provided by SPS.

SPS report that since then performance has improved and whilst some of the data may require further verification, information provided in relation to transport related performance up to May 2024 is summarised below.

- **Court arrivals.** On time court arrivals have increased to 78% in May 2024 compared to 60% in September 2023.
- **Court returns.** People being picked up to be returned to prison within defined timescales of receiving papers at court has increased to 73% in May 2024 compared with 63% in August 2023.
- **Non-court appointments.** Eighty-eight percent were completed in May 2024 compared to 59% in September 2023.

- Court performance.** Recruitment for courts has dramatically improved service delivery. Staffing-related dock failures leading to court delays has reduced markedly from 170 in September 2023 to only eight in May 2024 as demonstrated below.



Data Provided by transport provider.

It is worth noting that SPS further report that this improvement has taken place in a context of increased movements, high prisoner numbers, and a 14% increase from 2023 in the number of bed watches for people in hospital that have been covered by the transport provider.

## 10.3 Staffing Challenges



"I loved the job and the team and the culture. It was the hours that were the problem. I couldn't cope with having no finish time."

Ex Prisoner Custody Officer.

The powers and duties of PCOs are substantial and set out in legislation (see Annex C). They are analogous to those of the first of two tiers of prison officers, "operations officers"; however, the remuneration level of the PCOs had been significantly lower and not competitive in the sector, leading to the transport provider being unable to recruit or retain staff sufficiently to maintain the workforce in an increasingly difficult employment market.

As detailed previously, in October 2023, SPS and MALG partners agreed a staff salary uplift and annual review mechanism, and since then the transport provider has successfully increased their staffing and made significant progress towards achievement of their provisional target operating level of 670 full-time equivalent of officers by 1 April 2025 and 711 by summer 2025.

The PCOs with whom we spoke were clear that the staff shortage had been the most significant issue affecting them in their role and they were positive in relation to the earnings increase. However, there were mixed views about whether this alone will be enough to reduce attrition on a sustained basis. Some PCOs were keen to point out that whilst the revised pay level is equivalent to an operations officer, it remains below that of the higher tier of prison officer - the "residential prison officer" and as a result, SPS recruitment campaigns remain enticing and a risk to the sustainability of the transport service.

In addition, they told us about a feature of their employment that they felt had also had an effect on the staffing position. On a daily basis staff who are not court-based can be provided with a start time but not a finish time and often work long days. The transport provider confirmed that this only applies to the minority (30%) of this staff group, and that they plan to review this. This element of their employment conditions is made explicit to them upon recruitment. However, several people impressed upon us how this affected them over time, making a work-life balance difficult to achieve, especially as the staffing crisis took hold. The staffing crisis increased the likelihood of additional tasks being allocated later in the day, leading to longer days and unpredictable home times.

Several staff asserted that they feel there are not enough vans put on the road, and as a consequence those that are deployed can be over-extended. When we spoke to the transport provider, their position was that the volume of daily tasks undertaken by each crew will ease as staff numbers increase. Conditions of employment are purely a matter for the provider. They impressed upon us that the need for a high level of flexibility in the deployment of their staff has been influenced by the unlimited, unpredictable and fluctuating nature of the operational demand they face.

Staff comments about the ineffectiveness of the vehicle cleaning arrangements were common, as were those relating to lack of basic equipment such as sick bags. These comments align with feedback from people in custody. Several staff said it can be very difficult to schedule work breaks or to access toilets when they are on the road, an issue that was reinforced by the user experience and the input of the SPS Contract Monitoring Team.

On the positive side most PCOs said they love the work, and it was very clear that they have built effective local relationships. Their interactions with people in custody that were observed in the course of preparing for this report were found to be impressively respectful and caring. The transport provider informed us that their staff receive Therapeutic Crisis Intervention training, which aims to prevent and de-escalate potentially volatile situations. In addition, Prison Governors, Managers, and prison staff made specific mention of the PCOs. One manager typified this stating:

"They are valued as effective partners, conduct themselves well and the prisoners speak highly of them."  
Prison Manager

### **Recommendations - To maintain an optimal and resilient workforce with capacity to deliver the requirements of prisoner transport effectively.**

**Recommendation 8:** The transport provider should carefully examine the full range of employment conditions that may have contributed to staff attrition over the life of the contract. Engagement with staff and managers should inform the considerations.

**Recommendation 9:** The SPS and the transport provider should ensure that rates of pay for PCOs remain competitive and reflect the responsibilities of the role. Any new arrangements should build in periodic review in addition to annual increments.

## 11. Improved recent performance, but non-court appointments remain subject to cancellations with significant consequences.

Recent improvements across some of the transport provider's performance outputs have been described earlier in this report. Improvements in the court-based performance will assist the operations of criminal justice partners, particularly the courts and the police, and the significantly improved performance in non-court transport is progress towards better outcomes for prisoners. This is welcome progress. However, failures continue to occur. Behind each one there is a person or a family that has been let down, and a prison that has been impacted upon who may have tried and been unable to step in. We were informed by the SPS that, at the point when the transport provider achieves their Target Operating Model of staffing the expectation should be that there is no need for planned failure, however if the level of demand requires such an approach there will be a response overseen by the MALG aimed at minimising the impact on prisoners.

### Case Study - Snapshots of Daily "Planned Failure"

An HMIPS Independent Prison Monitor conducted a check on the transport position in a large prison on 21 September 2023 and reported that of 15 booked transport requirements six were cancelled by the transport provider and of these, two were hospital appointments one of which was identified by NHS as "must attend".

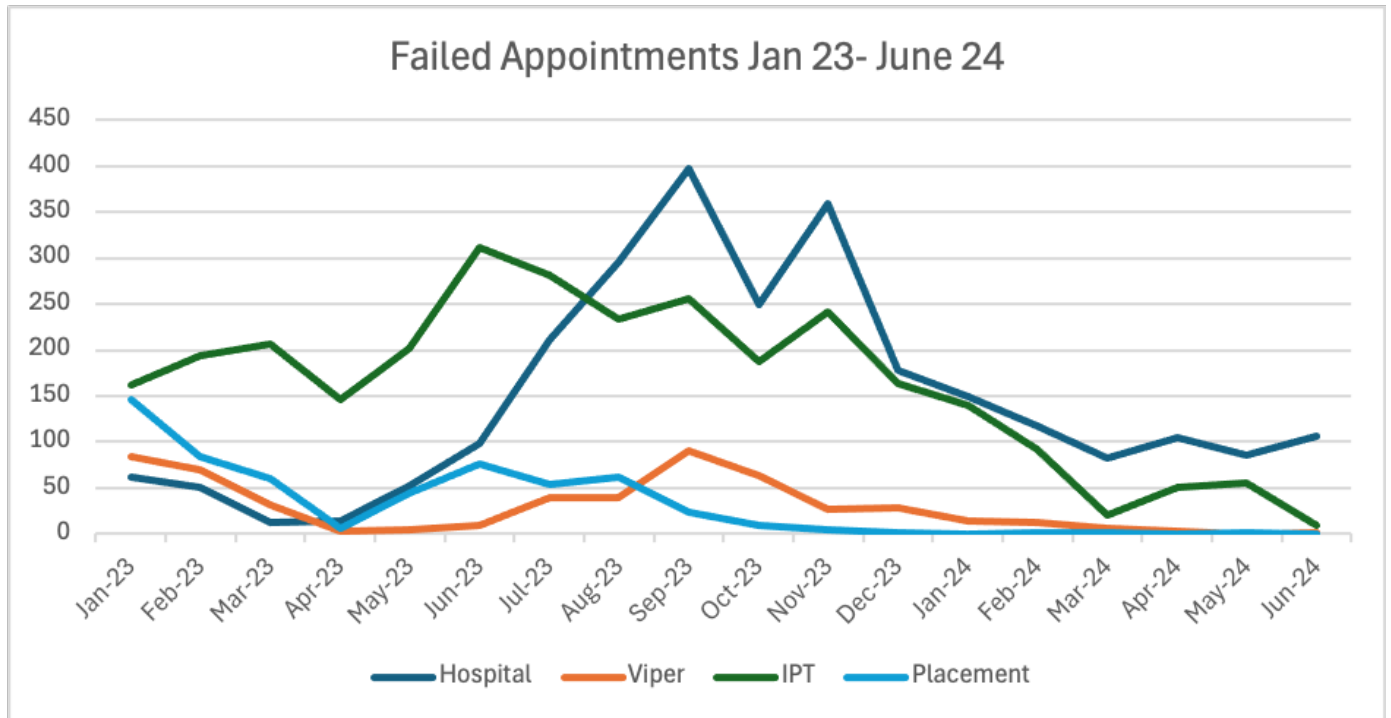
A further snapshot taken from information provided by SPS Prisoner Escort Monitors provides data detailing that for the month of June 2024 in total, 11.54% (165 events) of non-core bookings by prisons were not covered. Of these 107 were hospital appointments, 25 were children's hearings, 15 were exceptional absences authorised by the Governor and seven were Special Escorted Leaves to assist in rehabilitation. Only one police video identification parade electronic recording (VIPER) was cancelled.

Graphs A and B below demonstrate the rate of missed non-court appointments across the range of the categories between January 2023 and June 2024.

Improvement notwithstanding, in Graph A it can be seen that by June 2024, there were 107 cancelled hospital appointments in that month. There was only one "planned failure" of a police VIPER appointment and no inter-prison transfers or journeys for community work placements were disrupted.

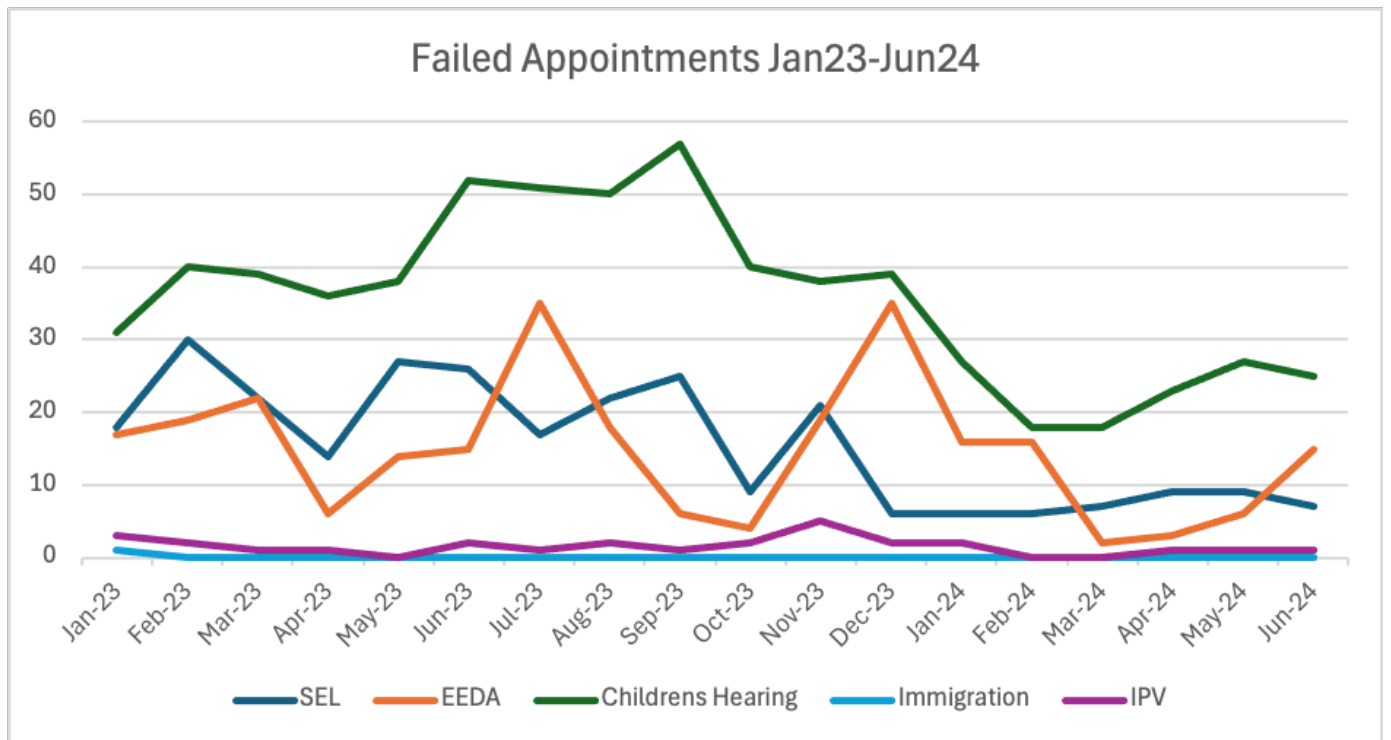


Graph A - provided by SPS.



Graph B below reflects on the remaining categories of non-court appointments. It demonstrates that by June 2024, 25 Children’s Hearings, 15 Escorted Day Absences (normally to visit a close relative who is dangerously ill), seven Special Escorted Leaves to test response to communities and one interprison visit were cancelled:

Graph B



In terms of contractual performance, each failed non-court appointment attracts a financial penalty for the transport provider. When these cancellations occur, a contingency process is invoked; the cancellation is communicated to the prison that originated the booking. This happens with short notice, usually on the prior evening. There are times when the cancellation is not communicated until the morning of the event as the transport provider attempts to cover the appointment up until that point. Following notification, prison teams will attempt to step in and provide the transport and the escort. This happens on a daily basis. A case example of how this was done and the impact this had on the prison is below:

### **Contingency Planning and Delivery.**

In April 2024, an IPM reported that a person in prison custody had been scheduled for chemotherapy treatment. The transport provider did not attend to undertake the escort; therefore, the prison management team mobilised their own resources and took the person by car accompanied by prison officers. This required two officers, one of whom was redeployed from the reception area and the other from the residential halls. In this case there were no additional costs incurred; however, the impact on the prison was that the reception area was closed and the regime in the affected residential hall was restricted for a three-hour period.

Whilst every effort is made by each prison to do this it is not possible in a significant number of cases. Prison teams face their own staffing issues, compounded by unprecedentedly high numbers of people in custody and limitations in the vehicles they have at their disposal. Prison Governors must also remain keenly aware of the need to avoid overly restricted regimes, maintain continuity of services and good order and security in the prisons.

"The SPS go out of their way to transport people to Castle Huntly but that has a knock-on effect. The Family Contact Office is often closed because the officers are doing escorts."  
Person in custody.

Governors and prison managers told us how failures in the transport service have affected them in a variety of other ways. Examples of this are described in the case study below:

### **Case Study - Mattresses on the Floor.**

In March 2024 during the preparation for a Full Inspection, HMIPS found that the prisoner population at HMP & YOI Grampian exceeded capacity to the point that contingency bunk bed spaces (an additional bed in a room with space for one person) were exhausted, and prison managers had to go further asking a small number of prisoners to sleep on mattresses on the floor in single cells that were already occupied. This was a consequence of planned outward transfers to other prisons being cancelled at short notice by the transport provider whilst the inward flow of people admitted through the courts continued to contribute to the high prisoner number and overcrowding. Across the month 12 people spent a total of 68 nights on mattresses on the floor.

Local prison management took the step of seeking volunteers from amongst the affected people and conducted cell sharing risk assessments to assure safety. Whilst these are reasonable measures, the consequences were that the living space fell short of the minimum standard set by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 4 metres square of living space per person.



In the event that VIPERs are subject to "planned failure" Police Scotland are required to provide any contingency transport and staffing.

The SPS and MALG partners are not aware of the volume of appointment failure after contingency measures have been attempted. The SPS Contract Management Team gather data that focusses only on the performance of the transport provider; the number of times local contingency interventions were successful or could not be attempted is known only to each prison. The Scottish Health in Custody Network has been attempting to gather this information.

When non-court appointments fail it can have distressing consequences for people in custody and brings the potential to contribute to harm on health, wellbeing, family connections and progression towards release and so encroach on the human rights of the individuals affected.

"The transport just doesn't turn up for funerals or hospital appointments but doesn't miss court. How can court activity be prioritised over health?"  
Person in custody.

### **Recommendations to strengthen contingency action to avoid non-court appointment failure and better understand the scale of it.**

**Recommendation 10:** The SPS and the MALG should give immediate consideration to taking the necessary action to assign certain non-court appointments the same status as court appointments in order that they are less vulnerable to "planned failure".

**Recommendation 11:** As a matter of priority and urgency SPS, the transport provider and other relevant partners should consider ways to develop and implement a more robust approach to assure attendance at non-court appointments, for example by improving communication to arrange longer notice periods, working more effectively together, or coordinating a central approach as SPS have done in relation to inter-prison transfers, stepping in to relieve the provider of specified appointment types or providing additional support to establishments in response to assessed need. Alternative methods of providing transport should be actively considered.

**Recommendation 12:** SPS should gather data to develop awareness of the scale and nature of ultimate appointment failure after local prison's attempts to step in. Significant missed appointments should be considered as recordable incidents and patterns of occurrence analysed to scrutinise performance and inform consideration of further actions.

**Recommendation 13:** The Scottish Government should be aware of the potential for encroachment on human rights and legal challenge.

## 12. Impact on People in Custody

"We can't step in at times due to staffing issues and late notice. We know some significant appointments have been late or missed."  
Prison Governor

The following section focusses on many of the issues that were raised in user feedback. Twelve prisons were visited, and 68 people in custody shared their stories and experience of prisoner transport to inform this report. All participants engaged in discussions on a voluntary basis and were assured that the information provided will inform the review on an anonymised basis. Their input is summarised at Annex D of this report.

Three main themes emerged.

- Health, Wellbeing and Decency.
- Family Connections.
- Progression Through the Prison System.

### 12.1 Health, Wellbeing and Decency

The majority of feedback relating to PCOs expressed a view that the transport staff had a beneficial impact on the wellbeing of service users. They were reported as courteous and helpful, with examples of some going out of their way to offer support. Food and water were reported as available as required, although we were told there was a lack of vegetarian options.

"The staff are nice; they went out of their way to chat and makes things less awkward and offered food and water."  
Person in Custody.

A number of decency and wellbeing factors in relation to transport attracted a volume of negative feedback. The temperature in the large vans was reported to be either too hot or too cold. We found that the heating and air conditioning system functions only when the engine is running, a feature that is incompatible with Low Emission Zones or when the vehicle is parked in an establishment.

There were many comments on the small, confined space, hard seats, and issues with seatbelts in the cubicles not always working well. Some people said that they did not feel safe travelling at speed in these vehicles. Lack of distraction activity and boredom was also an issue, and there were further comments, echoed by PCOs, that this is compounded by vehicle radios often being broken. There was also feedback that the handcuffs used were tight and uncomfortable. Most people considered the level of cleanliness to be poor. The vehicles examined for this report varied in their level of cleanliness and some appeared very dirty. Whilst the provider told us there were contract cleaning arrangements in place, staff told us the vehicles were often on the road when the cleaners attended the depot.

"The van I was in smelled of urine, there was saliva on the window where you could see where people had been spitting."  
Person in Custody.

Toilet arrangements were highlighted as a particular issue. Arrangements for using disposable travel toilet bags were considered undignified and unhygienic, we were told they were used very infrequently, and most people were clear that they would not use them. When a number of Prisoner Escort Records were checked it could be seen that offers of food, water and toilet were recorded but the majority of the offers of toilet were marked as having been refused. Indeed, some PCOs told us that toilet stops were becoming more difficult. The agreement is that police stations and prisons should be available within reason. However, we were told that at least one police station had stopped allowing access and one person said that a prison on her route had not allowed her to disembark to use a toilet. The SPS Contract Monitoring Team were also concerned that toilet stops were unusual, and the provider acknowledged that stops were ad hoc and more planned arrangements should be put in place.

"Those toilet bags are inhumane. I've seen people urinate on the floor. Toilet stops don't happen."  
Person in Custody.

"I was offered a bag to pee in, but I would rather wet my trousers because I felt I could be seen."  
Person in Custody.

We also heard feedback from women about their experience when they had travelled in the same vehicles as men, although separated in cubicles and when we entered occupied vans, loud shouting could be heard. It is understandable that people in such circumstances will want to communicate. Shouting is the only method of doing so.

"I was sharing transport with men. They were not shouting at me directly, but they were constantly shouting to each other. This was stressful, it would be good if they provided (separate) transport for women."

"I was in a van with men, and they were shouting abuse when they heard women's voices."  
Women in custody

Failure to facilitate or permit people using prisoner transport to have access to adequate toilet stops risks encroachment on their human rights under the basic principles, Rule 1 of the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#) which stipulates that

"All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times." United Nations Standard Minimum Rules for the Treatment of Prisoners.

One of the most concerning outcomes of prisoner transport failure has been the cancellation of appointments to receive secondary health care in the community. The data in the previous section demonstrates the volume of missed appointments as provided by SPS. This was highest in September 2023 when 397 appointments were missed that month reducing to the level of 85 missed appointments in May 2024 and 107 in June 2024. This is an issue that has been escalated to the Scottish Government by HMIPS and NHS as detailed earlier in this report.

Interruption to treatment for health is a matter with the potential to encroach on article 2 of the European Convention on Human Rights, the right to life, and as described in the following excerpt from a letter to HMCIPS to the SPS in February 2024:

"The right to health and other health-related human rights are legally binding commitments enshrined in international and UK human rights instruments. Every human being has the right to the highest attainable standard of physical and mental health. In Scotland, the principle of equivalence is also applied to prison healthcare to reflect the equivalence to healthcare in the community. Providing for the health needs of people in custody is core to a human rights approach to custody." Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland, 6 February 2024.

We heard many accounts about the negative impact this has had on individuals. The case study below describes such a set of circumstances:

### **Case Study - Person A.**

Person A was under review by prison-based NHS staff from September 2023 complaining of a range of symptoms. Prison-based NHS completed on-site testing, and the results led to an urgent referral to the local hospital. The patient was seen at hospital in mid-October where further tests were needed to inform a treatment plan.

Person A was escorted to undergo this in early December. However the procedure could not be completed successfully so the next appointment was scheduled for later the same month. This involved complete fasting from midnight the night before as well as undergoing a difficult preparation process.

On the day however, the transport provider was unable to fulfil the booking. The prison was already operating with reduced staffing and only received a couple of hours' notice that the escort would not go ahead. This combination of operational pressure and insufficient time to plan left them unable to step in and provide contingency transportation and the appointment was missed.

The next available appointment was mid-February 2024 a delay of seven weeks at that point in the treatment plan due to transport failure. The patient reported that this greatly exacerbated the distress of the ongoing situation.

For subsequent appointments the local prison took the step of making stand-by arrangement to ensure provision of contingency transport arrangements.

In addition, there were issues relating to the type of transport despatched for people with additional needs as described in the following quote and case study:

"Transport failure has directly affected my physical health and potentially my mobility. I had to have a secondary operation because of an infection that set in after my first operation. The delay in me receiving followup care as a result of transport failures contributed to this. I ended up an emergency admission after collapsing. Over the last four years I've missed over 20 appointments. They have turned up twice with the wrong transport. The hospital moved me to another clinic time to try to better suit transport. The SPS wasn't able to step in, staffing in the prison isn't great, so I've been going in private ambulances. It's the worry that gets you."  
 Person in Custody.

### **Case Study - Inappropriate Transport resulting in missed hospital appointment.**

In July 2024 the transport provider attended a prison in response to a specific request for a vehicle that could accommodate a wheelchair. This was to attend an appointment in relation to the design and fitting of a mechanical device to help cope with a physical issue. Despite the clear request and without communication, the transport provider arrived with a vehicle that could not accommodate a wheelchair. As a result, the appointment was missed, and NHS partners had to re-do the work to liaise with the hospital again to make arrangements with this specialist medical service. The prison followed up the issue by submitting a "Service Review Form" (complaint). The response stated that on the day the only vehicle with a tail lift malfunctioned and that they had no other suitable vehicle in the area.

As described in the quote above we heard about one prison where SPS and NHS have worked together to provide alternative transport arrangements as detailed below. In her letter to SPS in February 2024 HMCIPS sought that this arrangement be replicated in other areas where possible. Use of this facility is being monitored by the Scottish Health in Custody Network.

### **Contingency Planning - Alternative Transport by Private Ambulance.**

Working in partnership with NHS Forth Valley Health Board the management of HMP Glenochil have developed a process for arranging a private ambulance to convey people to hospital when they have been informed that the transport provider has reported they will not facilitate the escort and when SPS are not in a position to do so as a consequence of not having access to the appropriate vehicle. This meets the needs of individuals who need an adapted vehicle and, provided there is at least three hours' notice, ensures that the appointment goes ahead. A Standard Operating Procedure underpins the activation to ensure this is an appropriate response from a security perspective.

**A statutory obligation.** Although transport is provided through a private contract, [The Prison and Young Offenders Institutions \(Scotland\) Rules 2011](#) explicitly state that responsibility for ensuring that appointments made by healthcare providers are fulfilled sits with Governors, either by unescorted temporary release in appropriate circumstances or via escort (see Annex E).

The frequency of appointment cancellations has prompted NHS teams in prisons to take some actions. In most establishments they highlight the most urgent cases to SPS as detailed below:

### **Contingency Planning - Prioritising Critical Health Appointments**

Working collaboratively, local NHS partners ensured that the most critical health appointments were identified as "must attend" and highlighted as priority to SPS on a daily basis in the event that appointments were cancelled by the transport provider, and contingency cover needed to be invoked by the prison. Whilst we were told by the NHS that this approach was far from ideal and not adopted in every area, it was a pragmatic response that enabled SPS to allocate resources where they were most needed and to help reduce repeat cancellations for the same person.

In addition, we heard from people who found that their place on waiting lists may have been affected by appointment cancellations.

"I have an NHS letter that indicates I have refused an appointment, but I have not. It was a transport issue. That has played on my mental health."  
Person in Custody.

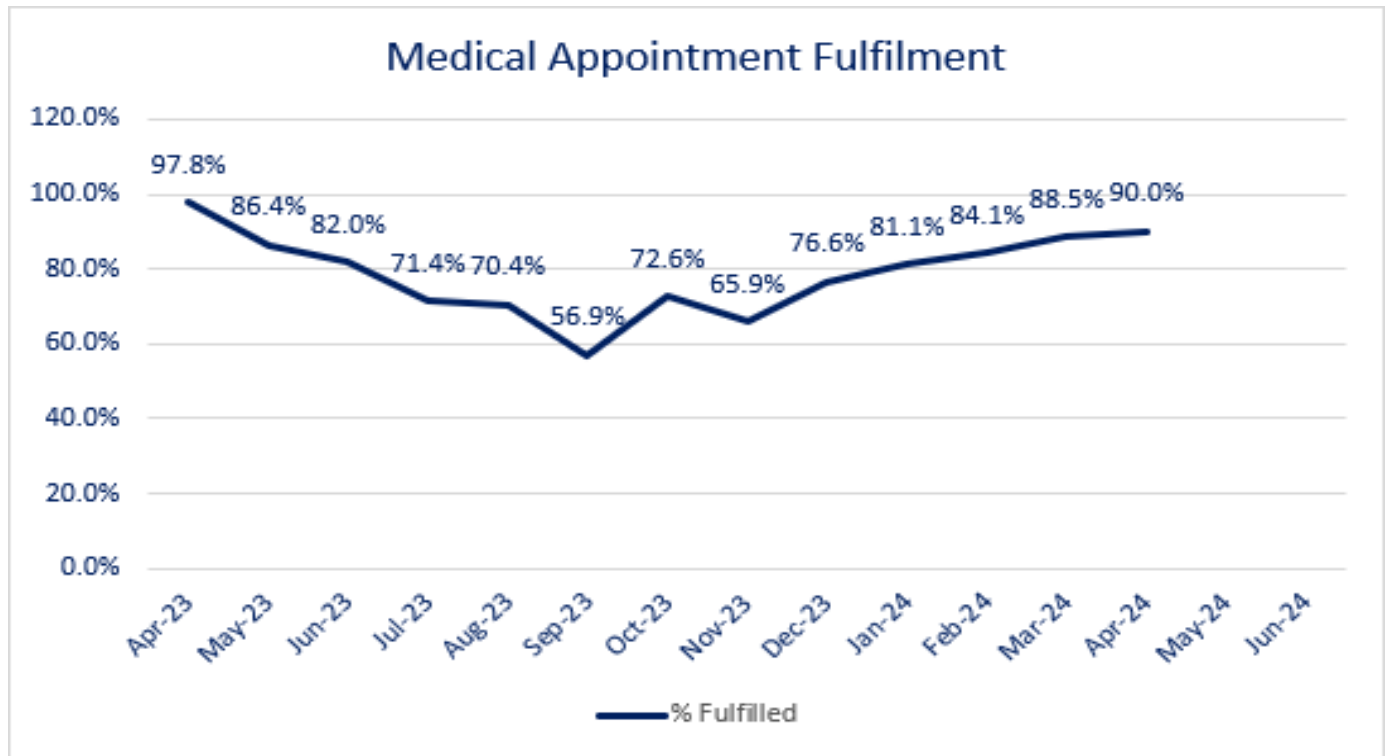
To mitigate the potential iniquity of this, further action was taken. In the National Prison Care Network Annual Report 2023-2024 it is reported that have circulated communications to all Health Boards as described below:

### **Contingency Planning - Avoiding Consequences for Missed Appointments**

In April 2023, the Prison Care Network Programme Team wrote to NHS Board's Medical Directors to request that patients were not removed or reprioritised on waiting lists in the circumstances that they missed appointments due to transport failure and not through any fault on their part. This was followed by a further communication reiterating the request from the Chair of the Scottish Health in Custody Oversight Board to NHS Board Medical Directors, NHS Chief Executive Officers, and NHS Board Custody Healthcare Leads. This forum continues to monitor the issue.

It is further reported under "Access to Healthcare" element of their workplan that they are undertaking monitoring of missed secondary care appointments. Data is being collated via prison healthcare teams and provided to quarterly meetings of the national Scottish Health in Custody Network Oversight Board, which is chaired by an NHS Chief Executive, and is accountable to the NHS Chief Executives Group, Chief Officers of Integration Joint Boards, and the Scottish Government. This data on cancelled secondary care appointments further demonstrates a significant number of missed appointments albeit in an improving picture in line with the rise in the transport provider's staffing complement; however, it is as yet incomplete, and the numbers reported may not be a true account as health centre staff are not always advised if an appointment has been missed. It is therefore not included in full in this report and must be treated with caution. Nonetheless, the assessment of improvement over recent time aligns with the data in the graph provided by the transport provider as shown below.

We found the two set of information are different with the information provided by the transport provider below demonstrating a higher level of attainment. They reported that this can be explained as a consequence of the difference between the outcomes measured by the contract as opposed to those experienced by the end service user. The contract measures in effect, strip out the incidences where the failure is attributable to circumstances not in the control of the provider but rather attributable to the SPS, for example in the case of delays in facilitating the readiness of the prisoner or unavoidable incidents such as a road traffic accident. The Scottish Health in Custody Network will continue to monitor and gather date on health appointment cancellation rates. It is critical that the work is undertaken jointly with SPS to provide reliability of the data as it applies to the end user experience.



Graph provided by GEOAmev.

Healthcare Improvement Scotland highlighted to us that healthcare staff are responsible for sharing information on appointments that are missed in line with a legal "Duty of Candour". The intention of the [duty of candour legislation](#) is to ensure that providers are open and transparent with people who use services. It sets out some specific requirements they must comply with, and these include informing people about the incident, providing reasonable support, providing truthful information, and an apology when things go wrong.

It is incumbent upon NHS providers to satisfy this requirement although we noted that there were health professionals who told us they are not confident that they are always informed when an appointment for someone in custody is missed.



Failure to facilitate or permit people in custody to have access to medical treatment is in breach of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 and risks encroachment on human rights under Rule 24, Part 1 of the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#) which stipulates that:

"The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status."

United Nations Standard Minimum Rules for the Treatment of Prisoners.

## 12.2 Late prison admissions and long, arduous journeys

The issue of lengthy periods on vehicles was a significant element of service user and IPM concerns. The transport provider and the SPS Contract Monitoring Team acknowledged that there are cases when individuals are admitted to prison later in the evening and some in which circuitous routes have been taken prior to arrival at prison.

"I came in late I didn't get my medication, and I was on Talk to Me as a precaution, I was exhausted."

I was finished at 11am in court but didn't get to the prison until 9pm. They seem to pick men up first. The men were picked up four hours before I was, and I feel this is because they don't think the women will react aggressively to the delay."

People in custody

The Scottish Health in Custody Oversight Board has highlighted a need to better understand admission times. Scottish Prison Health & Wellbeing Surveillance information is being gathered collaboratively by SPS, NHS and Public Health Scotland for this purpose. They gathered data between July 2023 and June 2024. Whilst the data has some caveats (for example, it does not include inter-prison transfer) it has established the time point at which 90% of people arriving in custody received an SPS admission assessment. It found this to be at its latest after 9.00pm in HMP YOI Stirling and HMP YOI Polmont, establishments occupied mostly by women and young people. Given healthcare assessment takes place following SPS admission processes this timing increases the risk that it will be late or will not occur until the following morning as a result of being later than the nursing staff finish time.

They also found that late admission was most likely to occur on a Monday evening when one in three arrivals took place after 8pm, a figure that reduces to one in ten on the other weekdays.

The SPS Contract Monitoring Team examined arrival times over January to February 2024 to help inform this review and also reported that HMP & YOI Stirling and HMP YOI Polmont were experiencing a disproportionate number of later admissions in that period. Several factors appear to contribute to late prison arrivals. Due to the number of partners involved in the justice pathway, addressing this will require a cross-organisational approach; custody courts can start and finish later in the day and do not operate a fixed closing time. Prison regimes can contribute through closures to facilitate staff breaks and measures in response to managing risk of overcrowding can mean that people are not located close to courts. Transport delays and arriving in vans with larger numbers of people also play a part. Women and young people in prison from all over Scotland are accommodated in centrally located national facilities which means that they can travel to any court in Scotland. The case study below is a recent example of how a long journey to a distant court impacted on a young person.



### **Case Study - Arduous journey for short court appearance.**

In the Spring of 2024, a young person left HMP YOI Polmont at 10.05am to attend court in Dumfries arriving at 11.55am. The young person was called to the dock at 2.36pm and returned to the holding cell at 2.40pm having spent four minutes in court. It was not until 10.54pm that the return journey commenced having spent around 7.5 hours in the court custody unit. At 00.20 the following morning the vehicle and crew were changed over at a location en route. The vehicle then made its way to HMP & YOI Stirling at 1.12am departing at 1.30am and arriving back in HMP YOI Polmont just after 2am in the early hours of the morning, a 16-hour journey to facilitate a four-minute court appearance.

Similarly, the SPS Monitoring Team reported concern, gathered through their scrutiny of the provider's planning and scheduling in July 2024, that some individuals with additional needs were collected from prisons later in the scheduled route for court. They described an example of a schedule involving the collection of a person with additional needs from a police station in Glasgow for court first thing in the morning. This required a non-standard vehicle that was first scheduled to transport a prisoner to a work placement in Falkirk and then to collect a person from prison to attend hospital in Glasgow. In this situation the person would certainly have been late for court increasing the risk that they would be seen later in the day and therefore more vulnerable to the risk of late prison admission. A similar situation was reported by a prison manager as detailed in the case study below. The SPS Contract Monitoring Team confirmed that the prisoner transport contract does not prioritise people with additional needs.

### **Case Study - Late Prison Admission, Additional Needs.**

On an evening in February 2024 a person who is a wheelchair user was admitted to a local prison from a court very nearby at 9.30pm. The person's case had been concluded in court by 5pm however as they required a suitable vehicle and some additional support they did not depart for over 4 hours. The late arrival meant that prison staff had to stay past their finishing time and the person only just managed to see a nurse for a health screen.

Late admission is a concern from a clinical safety perspective. Health screening is undertaken by a health professional to ensure that people coming into prisons have their immediate needs assessed and any health concerns identified and actioned. In addition, pressure is placed on nursing staff, many of whom stay beyond their finishing time through their own goodwill, although we found that on some sites the persistence of the problem has meant that the practice of staying late has ceased. The SPS have taken some action to mitigate any lack of assessment as detailed.

## Contingency Planning - Late Arrival in Prison - Suicide Prevention

There are occasions when transport issues such as delayed departure from court or vehicles taking circuitous routes, result in people arriving in prison later at night. This is an issue that is being further examined jointly by Public Health Scotland, NHS and SPS through Scottish Prison Health & Wellbeing Surveillance.

In some cases, arrival occurs at a point when prison staffing is reduced, and health professionals have gone home for the evening so are not available to assess immediate health needs. This also means that the reception risk assessment element of the SPS Suicide Prevention Policy cannot be fully completed at the point of reception. In these circumstances prisons invoke routine precautionary arrangements in which officers maintain contact, usually every 15 minutes throughout the first evening and joint SPS/NHS case conferences are usually convened the next day to further assess risk. Whilst this is a safety precaution it can be unnecessarily intrusive for the person in custody and wasteful of NHS/SPS staffing resources.

SPS is undertaking work to standardise the approach and individualise appropriate interim support arrangements for such late arrivals across all sites.

Whilst late admissions to prison attract a service credit for the provider the penalty does not increase regardless of the extent of the lateness. The contractual consequences are therefore the same whether a person arrives five minutes or five hours late.

People in custody told us that they had endured long and arduous journeys often involving circuitous routes. We were surprised to find that the specification for the transport service does not require that direct routes are taken. The only reference to this issue is that, as a minimum, young offenders must be routed directly to return to the appropriate prison and "where practicable", adult female prisoners will also take direct routes. In any case, the most recent verified information provided to us by SPS was from January 2024 and showed that in the period performance was poor. Only around 60% of young people had taken a direct route to a Young Offender's Institution. The provider has acknowledged that this requires improvement.

The transport provider reported to us that direct routing for women was put forward as a priced option at an early stage however this was rejected on the grounds of cost.

The 2012 HMIPS [Inspection of the Conditions in which Prisoners are Transported and Held in Sheriff and JP Courts while Under Escort](#) found that some prisoners with whom they spoke advised that they had not been given the opportunity to shower before travelling to court. They made a clear recommendation to SPS to address this. Disappointingly, the user voice feedback gathered for this review found there were a small number of prisons where this has still not been achieved. In one location staff confirmed that the regime did not permit time for showers early in the morning - a response we do not consider acceptable.

## 12.3 Family connections

Prisoner transport has impacted on the families of people in custody. It has featured in the issues prompting request for assistance requested from Families Outside, the only national charity that works solely on behalf of families in Scotland affected by imprisonment. They reported that their database contains over 600 cases that mentioned prison transfers and transport between October 2017 and February 2024.

The data in the previous chapter confirms that, whilst there is significant recent improvement, to date children's hearings continue to be subject to "planned failure" cancellation of transport. A high point was reached in September 2023 when there were 57 failures in the month, reducing to a low point of 18 by February 2024 and since rising to 25 by June. This is a significant issue, and it has prompted some joint action by the Scottish Children's Reporter Administration and SPS to mitigate this, as detailed below.

### Contingency Planning - Virtual Children's Hearings

Acknowledging failures in transport for Children's Hearings, the SPS and Scottish Children's Reporter Administration (SCRA) worked collaboratively to invoke standby arrangements which involved routinely providing a link and number for the person in prison to attend virtually or by telephone. Commencing in January 2024, a standard letter was developed by SCRA to communicate this for each hearing explaining that the prisoner will require access to a private room with a video enabled device and, if video is not possible, they will need access to a telephone enabled device. The letter explained that it is important to be aware that the parent has a right to attend the Children's Hearing in-person. Therefore, arrangements should be made to attend virtually only if the person cannot be transported to the Hearing and that if they do not attend in-person, it will be for the Children's Hearing to decide whether it is fair to proceed.

Whilst this was a pragmatic step to help in difficult circumstances it was far from ideal. As the letter further explains, there are potential consequences because the prisoner may be able to appeal against the decision of the Children's Hearing if they have not been transported to the hearing when they wished to attend in-person.

We also heard from those who told us they have missed supervised contact with their children. Failure of such appointments is clearly a potentially distressing situation for affected children as well as their parents, family members and carers with clear potential to encroach on human rights. On 16 July 2024 the United Nations Convention on the Rights of the Child officially became law in Scotland which means that young people's rights are not only upheld but are legally protected. The UN CRC requires all decisions that affect children to be taken with the best interest of the child to be the primary consideration:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Unfortunately, prisoners feel that transport failings hinder their ability to support that aim:

"I am supposed to attend children's panels monthly but because of transport issues I've only been once. I've been attending them by conference call. I want to be supportive and present for my kids, and to help my partner but I can't get my input across on a conference call."  
Person in Custody.

"I have missed children's hearings and supervised contact with my kids because of transport issues. I felt as though it was deliberate on the part of the prison staff, and it made me really angry."  
Person in Custody.

People told us about issues and failure affecting their ability to attend family events such as funerals and visits home to close relatives who were dangerously ill such as the case below:

"My wife is terminally ill, so the Governor granted a visit on compassionate grounds. This was arranged and cancelled numerous times with very short notice. It was distressing for me and my family. It went ahead on the 11<sup>th</sup> time it was arranged.

My scheduled operation was also cancelled at short notice. It is difficult to keep behaviour in check due to these devastating disappointments. It causes ruminating. There is no point in putting in a complaint after the fact, that only increases the distress."  
Person in Custody

Sadly, there are people who did not have the opportunity to have a final visit with loved ones and there were requests to undertake inter-prison transfers to be closer to families and friends for accumulated visits that were delayed or unable to be accommodated due to transport.

As detailed previously, however, prisons have stepped in where they can within the limits of their own pressures:

"I had an escorted visit when my close relative was on life support. I was part of the decision making about ongoing treatment. The transport was cancelled and if it wasn't for SPS staff I wouldn't have been there, and my family would have been affected."  
Person in Custody.

Failure to facilitate such escorted day absences for compassionate reasons, that have been approved by Prison Governors risks encroachment on human rights under Rule 106 of the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#) which stipulates that:

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his or her family as are desirable in the best interests of both.  
United Nations Standard Minimum Rules for the Treatment of Prisoners.

## 12.4 Progression towards release

Transport failures have impacted on availability of Special Escorted Leaves (SELs) for the purpose of visiting home for a two-hour period as part of the Prisoner Progression System, potentially delaying progress to the Open Estate at HMP Castle Huntly. The data in the previous chapter shows that the position is improving. In February 2023 there was a high point of 30 missed appointments and from January 2024 failures have occurred at the rate of under 10 each month. We found that at least one prison took structured action to mitigate this.

### Contingency Planning - Special Escorted Leave Provision

In response to the failure of the transport provider to deliver Special Escorted Leave (SEL) that enables progress to Open Conditions at HMP Castle Huntly, HMP Greenock made a limited number of SEL slots available at weekends by providing their own staff. Whilst this did not suit every family, it aimed to help the flow of the progression system and enable people in custody to continue to make progress.

Failure in inter-prison transfers was impacting on the timescales for physically moving to less secure conditions. This report has detailed previously how SPS have now taken a co-ordinated approach to reduce the impact of this issue.

"I was transferred to National Top End only after four attempts to book it. I needed to have six SELs before progressing to placement and that took 18 months."

"I was delayed in progressing to Castle Huntly for eight weeks. I was let down every Tuesday in that time. When I did transfer the van stopped at six prisons on the way. I was on the van from 8.45am until 3pm and was not given any food or water. I got off the bus hungry and exhausted; I didn't complain I was just glad to have eventually progressed."  
People in Custody.

Prisoner transport was affecting the SPS ability to deliver Offending Behaviour Programmes and to make arrangements for return to home establishments:

"I was transferred to a different prison to participate in an offending behaviour programme. I waited six months to be returned to my home establishment because of transport issues. There were 11 attempts to arrange it. I contacted my lawyer. Eventually prison staff did the escort at the weekend. I missed my ICM case conference, and my parole hearing was postponed. I got only a cell wage after my programme finished. It cost me a lot."  
Person in Custody.

The scenario below describes a contingency to maintain delivery of an offending behaviour programme that was invoked by SPS in January 2024 as a result of difficulties in transport provision, further demonstrating the wide and varied impact of transport on people in custody and on prison business. Programmes are resource intensive, the pragmatic action below enabled continuity of delivery, however it will affect the waiting list.

## **Contingency Planning - The impact of prisoner transport - Offending Behaviour Programmes**

Offending Behaviour Programmes are group work interventions that aim to reduce risk of offending and so better protect communities.

People in custody access programmes to address criminogenic need following assessment, which takes place as an element of case management. Those assessed as suitable are required to undertake the identified programme as a necessary prerequisite prior to progression to conditions of reduced security and enhanced access to the outside world in preparation for eventual release.

Programmes are finite and resource intensive. Demand for them is such that they operate with waiting lists and participants are allocated by means of a single priority list that is centrally maintained. The prioritisation takes account of factors such as qualification date for progression to less secure conditions.

Those on the waiting list are offered a place on the programme when they reach the appropriate place on the priority list regardless of where they are resident. Therefore, inter-prison transfers normally take place to bring a group from various locations to the delivery site on the basis of the priority list.

In January 2024, failure rate in the provision of inter-prison transport was considered so acute and widespread that SPS Operations Directorate invoked a previously unused contingency known as the "National Waiting List Override Guidance" on a temporary basis. This action allowed the Offending Behaviour Programme to go ahead, populated solely by the individuals on the priority list who were already living in the delivery site. This enabled commencement of a specific Offending Behaviour Programme whilst avoiding adding pressure to the delivery of transport.

While the rationale for this contingency is understandable, the implication is that some individuals receiving the Programme will have been prioritised over others who were higher on the priority list but not resident on the delivery site.

In a previous chapter of this report, recommendations are made to better assure attendance at non-court appointments and avoid failure, that are also relevant in this section of the report. Further recommendations are below.

## **Recommendations - To improve prisoner transport for specific groups and in response to user feedback.**

**Recommendation 14:** The transport provider should make reliable arrangements, agreed with relevant partners to ensure that toilet stops are planned and facilitated. Checks should be conducted to ensure they have occurred. The use of travel toilet receptacles should be considered only as a contingency measure and recorded as such.

**Recommendation 15:** The SPS and transport provider should reconsider the specific needs of women and the growing number of people with additional needs. The transport providers, SPS and MALG partners should ensure that equalities and child-based impact assessments are conducted to inform any outcomes and that these are available for scrutiny.

**Recommendation 16:** Partners involved in the criminal justice pathway should work together to reduce incidences of late arrival at prisons.

**Recommendation 17:** The Scottish Health in Custody Oversight Board should continue to monitor missed health appointments and provide assurance to the Scottish Government regarding compliance with the duty of candour legislation. Together with SPS they should continue to monitor late prison arrivals and take actions to ensure that there is a robust process in place to ensure that those prisoners arriving late receive a formal health screening assessment. Digital solutions should be part of the considerations. They should escalate any concerns to the Scottish Government.

**Recommendation 18:** The transport provider should make robust and reliable arrangement to assure the cleanliness of all vehicles and that all elements are in working order including radios.

**Recommendation 19:** The transport provider should ensure there is an adequate variety of food options available and should routinely provide materials to alleviate the risk of boredom through lack of mental stimulation on longer journeys.

**Recommendation 20:** A requirement to take more direct routes or limit the time spent on vehicles should be an element of any new or extended Contract Specification which should also focus on minimising late arrivals. The specification should set parameters that recognise good and acceptable performance with a "carrot rather than stick" approach.

**Recommendation 21:** Any new or extended transport arrangements should include reviewing the use of the large cellular vehicles to consider restricting their use to shorter journeys in recognition of the small spaces and other comfort factors mentioned in this report.

**Recommendation 22:** The SPS should ensure that people in custody are provided with the opportunity to shower before travelling to court.

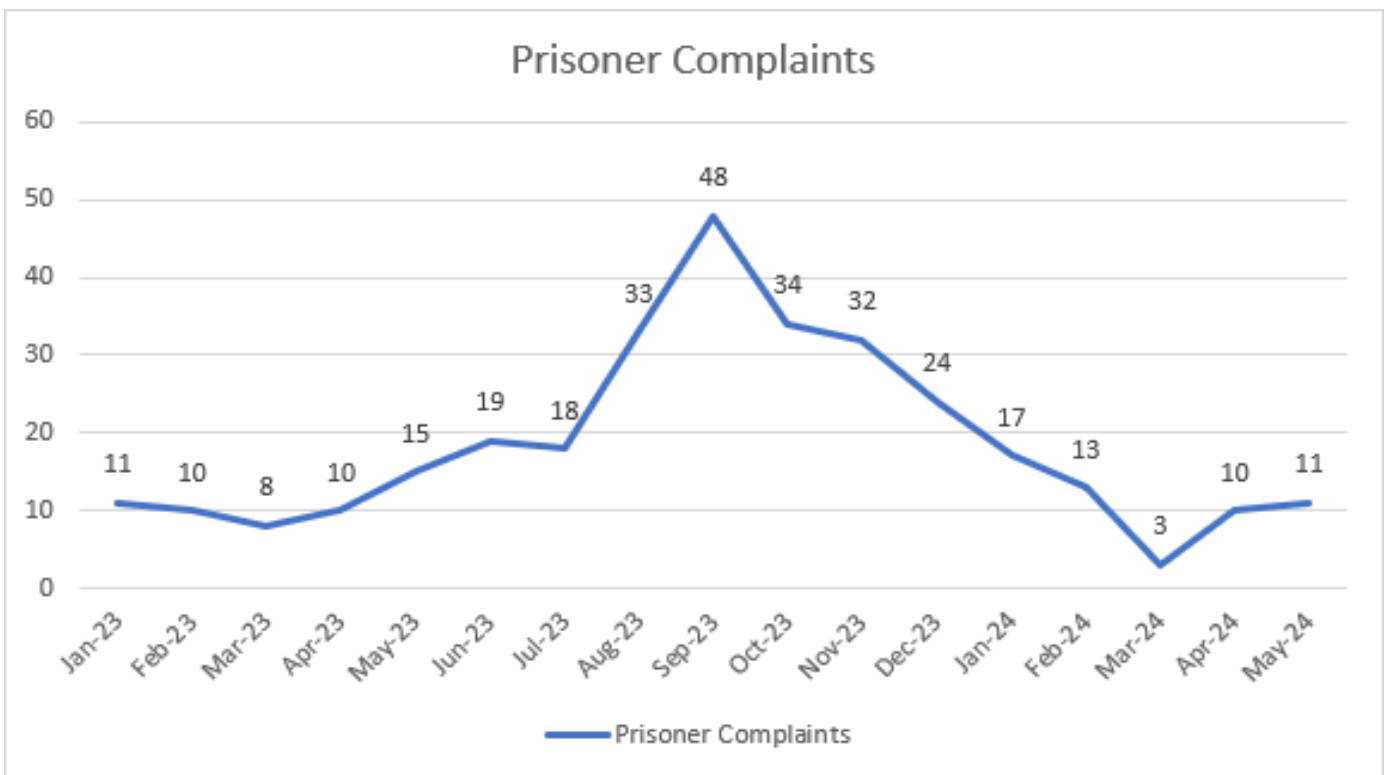


### 13. Transport Service User Complaints and Feedback

Transport complaints forms were available at every site visited; however, they were mainly in prison reception areas and therefore not freely available.

"I did not know that complaints forms were available, they are not in the halls, and no one told me about them."  
 Person in Custody.

It can be seen in the graph below that the number of prisoner complaints over the last year has been low, peaking in September 2023 before steadily reducing.



Information from transport provider.

Consultation with people in custody as well as prison staff confirmed that although many people are unhappy with aspects of the transport service it is rare for prisoners to take a complaints form and this, at least in part, is due to a lack of belief in the credibility of the process. Due to the extreme pressure on the service, the transport provider invoked a temporary contingency practice in January 2023, that was still in place during the review, in which they screen complaints and issue only very generic standard responses if they consider the matter attributable to their staffing position. This will be reviewed when the staffing level increases sufficiently.

"I've formally complained twice but got the same standard response each time. The complaints forms are not freely available, the prison staff are accessing them for people when they ask. I have made my lawyer aware of the position." Person in Custody.

Prisoners who had received such responses said that they found it deeply unsatisfactory. We did not consider it defensible to invoke this arrangement other than as a holding response to explain a delay. Complaints forms were available in prison reception areas as well as in court custody units but were sometimes held by staff for issue on request. Given most people are processed quickly and securely through reception we considered access should be broadened.

With regard to user feedback, the transport provider told us that they undertake annual surveys and shared the results from the most recent exercise conducted in Spring 2024. There were over 600 hundred respondents, and all confirmed they were treated with dignity and respect. Key areas of concern were the variety of food options, availability of distraction packs and the length of time waiting on vehicles at court as well as the time spent on vehicles. The transport provider briefed HMIPS on how they have commenced taking action in response to this feedback.

We found that users were made aware of their rights via printed information and saw this being issued in another language on one site. This is positive and could be enhanced by the inclusion of the right to be treated with dignity and respect.

### **Recommendations - To restore a complaints system and develop an ongoing user feedback mechanism.**

**Recommendation 23:** The SPS should make transport provider complaints forms freely and anonymously available in the residential halls as well as reception and people in custody should be made aware of how to complain as part of their induction.

**Recommendation 24:** The transport provider should immediately restore the full complaints service and develop ways to actively seek and respond to service user feedback on an ongoing basis. They should develop the current complaints process to invite regular feedback about the service as well as complaints.

## 14. Reducing the Demand for Prisoner Transport - Making Greater Use of Virtual Courts and Video Technology

In 2012, an HMIPS thematic review recommended extension of the use of virtual courts. This previous HMIPS thematic report was entitled [Inspection of the Conditions in which Prisoners are Transported and Held in Sheriff and JP Courts while under Escort](#). It took place in a very different context and does not report on the overall impact of prisoner transport, rather, it provides detailed information on arrangements found in all individual Sheriff and Justice of the Peace Courts in Scotland. Nonetheless, in the light of the evidence gathered for the current report, there are messages from this previous review that remain valid. It emphasised the importance of partners working together and shone a light on what it considered to be minimal use of video courts, particularly for distant courts and for very short pre-trial hearings. More recently during the COVID-19 pandemic period the use of virtual courts increased by necessity to keep the justice system functioning.

In September 2020, the Scottish Government published an [Emergency Criminal Justice Provisions: joint inspection](#) with the aim of assessing the use and impact of key emergency criminal justice provisions introduced in response to the COVID19 pandemic. It considered whether any aspects of these could result in more efficient and effective ways of working in the long-term. They observed that many of the innovations introduced in response to the pandemic are ones that had long been contemplated but had not come to fruition for various reasons. With regard to whether the emergency provision relating to remote, electronic court appearances should be retained, they found that views were mixed. The benefits cited included:

- Reduction in the potential distress of being transferred on and off multi-person vehicles.
- Improved dignity for accused as a result of not appearing in a dock, especially vulnerable people.
- Reduction in the cost and resources required to transport people from prisons and police stations.
- Savings in professional's time.
- Environmental benefits.
- Reduced risks.
- Improved ability to hear cases across sheriffdoms.
- Reduced impact of public holidays through weekend courts, for example.

Conversely, they found that over 80% of defence agents were unhappy with arrangements for consultation in virtual courts and reported that it is difficult to ensure the accused is able to participate based on their individual needs.

They observed that custody units have not been designed to host virtual appearances and the solution adopted, of re-purposing facilities, may have been appropriate in an emergency situation but not as a long-term fix. They concluded that capital investment would be needed to adapt the police custody environment to one which best supports virtual appearances and acknowledged that this may also require a fundamental review of the roles of some criminal justice partners, including police custody staff and the transport provider. They also found that digital facilities in prisons were limited.

Extending virtual courts is a complex matter that would also require careful attention to the protection of human rights, and potentially fundamental changes to the operation of the court system moving away from the necessity of attendance at local courts such as the case below which was brought to our attention by SPS.

### **Case Study - The Impact of Local Justice**

In Spring 2024 a person who had already pled guilty by video link, was required on an in-person basis for sentencing by a court in the Outer Hebrides. The planned journey was long and complex including a flight, ferry, and car for the prisoner and escorting staff. The journey was scheduled to commence at 7.30am and finish at around 10pm. The staffing preparations were made, and the escort was booked. It transpired that on the day, the journey could not go ahead due to a ferry cancellation. Sentencing was completed by video link, calling into question whether this could have been the planned outcome.

We were pleased to hear that plans for the new HMP Glasgow and HMP Highland include greatly increased virtual capacity and that some joint work has commenced between SPS and Police Scotland to reduce transport demand as detailed below.

### **Contingency Planning - Reducing the Demand for Transport to Attend Video Identification Parades**

Police Scotland and SPS worked collaboratively to commence a test of change on the site at HMP Low Moss. This was prompted by the high rate of failure to attend VIPER appointments in police custody units due to lack of transport, that was negatively affecting the justice system. The new arrangements involved installing specialist secure recording equipment to deliver Video Identification Parades on the site of the prison thereby negating the requirement for transport to police custody units. In May 2024, SPS reported that this has reduced refusals and enabled better transport resource allocation. It was further reported that Police Scotland were compiling a report that will consider extending these arrangements.

We were also encouraged to learn that ways to reduce demand for prisoner transport for certain court activity is under consideration through the work of the Criminal Justice Board.

Notwithstanding the joint effort and investment required, the potential benefits of increased digitisation are enormous and were put forward by many professionals who helped inform the current report.

### **Recommendation - To reduce the demand for prisoner transport.**

**Recommendation 25:** Joint work should be taken forward to develop and deliver the infrastructure and resources to enable optimal use of technology to replace in-person court appearances, healthcare appointments and any other external activity where this is appropriate. Any efficiencies gained from this should be deployed to help ensure that more direct routing is included appropriately in any new or extended arrangements. The aim should be to ensure journeys are as short as they can be whilst waiting time at court is minimised.

## 15. Conclusions

For a variety of reasons performance delivery with prisoner transport has been wholly unsatisfactory for prolonged periods of the current contract. Pent-up demand in relation to both court and hospital transport requirements created by the pandemic undoubtedly added a dimension that could not have been foreseen when the contract was created. However, the staff retention challenges facing the transport provider stemming from uncompetitive salaries and demanding work environments could have been better anticipated. This report has highlighted that prisoner transport is a crucial component of the criminal justice system and that as a consequence of these transport failures people in custody have suffered and there has been a detrimental impact on the smooth running of the court and wider services.

Improvements are possible in five key areas:

1. Improved contract specification, giving greater priority to some critical events that are not court-related, and better resources and more professional contract management, including better management information.
2. Improved resilience through offering pay and conditions capable of maintaining an adequate workforce.
3. Better collaborative working and contingency planning and delivery.
4. Improved governance and external scrutiny to improve performance.
5. Reducing demand through digitalisation and modernisation of the wider criminal justice system.

Due diligence is required to ensure the next contract is sustainable and provides confidence in its resilience and effective application. It is essential that the safe and secure transfer of prisoners is maintained and that unnecessary costs to the public purse across the justice and health portfolios are avoided. Justice partners must learn from the experiences of the three previous service providers and would benefit from engaging professional advice in procurement and contract management.

The new or ongoing contract specifications should be Scotland-specific and take account of all the issues raised in this report, including the impact of service failures on health, wellbeing, decency, family connections and progression for people in custody. The specification and evaluation should have a person-centred focus giving priority to eliminating unnecessary long journeys, recognition of vulnerability and aspire to meet trauma-informed expectations. More rigorous attention is needed to ensuring people are treated humanely, transported in vehicles that are clean and neither too hot or too cold, that toilet stops are provided en route to avoid the need to use urine bags, and that a reasonable range of food is provided.

The Courts and Judicial System should energetically embrace further digitalisation and other modernisations to eliminate unnecessary court appearances and reduce the overall demand for prisoner transport. This reduction in cost could support an enhanced quality service.

Non-court transfers account for about a fifth of the overall total of persons transferred. Consideration should be given to the amount of resources required to facilitate this type of work and whether this could be facilitated another way. Failure in this category of the provision appears to be deemed more tolerable than failure in delivery to the court system. However, such failures can encroach on human rights and can have a detrimental effect on the wellbeing of people in custody and their families, as well as an operational and financial impact on justice agencies and wider services including the NHS. The reductive approach to non-court transport requirements has resulted in critical life events such as key hospital appointments being subject to regular cancellation. Despite best endeavours locally, under-resourced and unreliable contingencies have not been in a position to adequately step in to uphold key human rights. This resulted in people in the care of the SPS telling us they had missed multiple hospital appointments, sometimes delaying important exploratory scans and treatment, had compassionate visits home to see a terminally ill partner cancelled multiple times, and missed family funerals. All of these transport failures inevitably caused great distress to the affected individuals and their families.

Significant efforts must be taken to ensure the next round of procurement, including any contract extension, fully addresses all the issues that have besieged the current provider and upholds the human rights of people in custody.

We hope that the recommendations set out in this report will help those tasked with designing the next contract specification and managing the ongoing service to achieve a better outcome for all involved.

For our part, HMIPS is committed to reviewing our standards and more regular and systematic monitoring of the conditions and treatment of those required to use prisoner transport. Our earnest hope is that failure on the level that has sadly occurred with the current contract will be consigned to history.

## 16. Annex A - Acknowledgements

HMIPS would like to thank all the people who collaborated with us to inform this report. The report has been compiled collaboratively with the Scottish Human Rights Commission and the Head of the United Kingdom National Preventive Mechanism.

A critical element to inform this report was the engagement from the people in custody who have experienced the prisoner transport service. The stories and perspectives provided have fundamentally influenced our findings and recommendations.

HMCIPS would like to acknowledge and recognise all those listed below who supported the review by contributing information, experience, views, and advice.

- Sixty-eight people in SPS custody.
- Thirty Senior Managers from every Scottish Prison (HMPYOI Stirling on behalf of the Community Custody Units) including Governors, Deputy Governors, Heads of Operations and Unit Managers.
- Sharanne Findlay, Divisional Head of Operational Support, SPS.
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- John Shanks, Senior Contracts Manager, SPS.
- Kenny Barclay, Prisoner Escort Monitor, SPS.
- Ali Purdie, Interim Director of Operations, SPS.
- Barry Copeland, Senior Portfolio Manager, SPS.
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- Forty-five Prison Officers or First Line Managers.



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- Eilidh Cunningham, Programme Manager, National Prison Care Network.
- Dr Craig Sayers, Clinician, Clinical Lead Prison Healthcare NHS Forth Valley.
- Ten NHS Prison Health Centre Managers and Staff.

## 17. Annex B - Statutory Framework for Prisoner Transport

Section 102 of the [Criminal Justice and Public Order Act 1994](#) specifies the requirements for the provision of prisoner transport in Scotland and enables the delivery of the service by a private provider stating that escort functions may be carried out by entering into contracts with other persons for the delivery of them by PCOs.

Section 102 of the [Criminal Justice and Public Order Act 1994](#) provides a broad definition of the specific prisoner escort functions, summarised below.

- The transfer of prisoners from one set of relevant premises to another.
- The custody of prisoners held on court premises and their production before the court.
- The custody of prisoners held in a police station and their production, by electronic means from the station, before a court.
- The custody of prisoners temporarily held in a prison in the course of transfer from one prison to another.
- The custody of prisoners while they are outside a prison for temporary purposes.

For management and reporting purposes, the functions in the contract are separated into two categories, known as court and non-court activity. In terms of performance outcomes, the two elements of are measured separately.

In the court category, transport related to co-ordinating prisoners for appearance at court is defined as detailed in an excerpt from the contract below. Failures in this type of escort will impact on court business and could have legal consequences for the responsible organisations. Delivery of this category of transport is protected in that it is not subject to "planned failure" cancellation by the transport provider.

### Co-ordinating Prisoners for Appearance at Court

The Service Provider's core tasks in relation to Prisoner escorting and management of Prisoners in court custody suites will be, as a minimum, to:

- Escort Prisoners from PCUs to courts.
- Escort Prisoners from one court to another.
- Escort Prisoners from courts to places of custody.
- Escort Prisoners from prison to court.
- Escort, to court and return, persons detained in hospital under the Mental Health (Care and Treatment) (Scotland) Act 2003)
- Manage Police Scotland transfer escorts.
- Manage those subject to detention in hospital or liable to return to Prison at the end of detention under the Mental Health (Care and Treatment) (Scotland) Act 2003 or part VI the Criminal Procedure (Scotland) Act 1995.

The nature of the second category of transport, which is not related to court, is set out in the contract as detailed below.

## **Other Escort Services**

The Service Provider shall undertake Prisoner Movements (on occasion may be out with Scotland but within the United Kingdom) including those requiring extreme security escorts, who require to attend an event/appointment at an approved location for any of the following reasons, including but not limited to:

- Children's Hearings.
- Committal of children to prison.
- Funeral escorts.
- Identification parade/Police Scotland interview.
- Immigration and Asylum Tribunal cases.
- Deportations.
- Extraditions.
- Inter-jurisdictional transfers (England & Wales, Northern Ireland).
- Marriage and civil partnership escorts.
- Hospital and/or other approved healthcare appointments.
- Hospital Escort & Bedwatch Activity (including maternity).
- Mental Health Tribunal cases.
- Social Security Tribunal cases.
- Special Escorted Leave (SEL) and/or Escorted Exceptional Day Absence (EEDA).
- Home leave escorts (Open Estate).
- Other Escorts.
- Inter-prison transfers.
- Inter-prison visits.
- Community placement escorts.

Other relevant legislative guidance is found in [The Prison and Young Offender Rules \(Scotland\) 2011](#) which places a particular obligation on the transport provider to protect the privacy of those in their care from public scrutiny as detailed below. This is a matter that has been considered by the SPS Monitoring Team in their audit activity.

## **Custody outside prison**

**99.**(1) Where a prisoner is taken in legal custody to any place outside a prison, the prisoner–

- (a) must be kept in the custody and under the control of an officer or constable;
- (b) must not be exposed to public view so far as it is reasonably practicable; and
- (c) must be protected so far as reasonably practicable from insult, curiosity, and publicity in any form.

Section 103 of the [Criminal Justice and Public Order Act 1994](#) requires that prisoner escort arrangements include the appointment of a prisoner escort monitor who must be a member of the staff of the Scottish Administration. Their duties are as follows.

- (a) to keep the arrangements under review and to report on them to the Scottish Ministers;
- (b) to investigate and report to the Scottish Ministers on any allegations made against prisoner custody officers acting in pursuance of the arrangements; and
- (c) to report to the Scottish Ministers on any alleged breaches of discipline on the part of prisoners for whose transfer or custody such officers so acting are responsible.

This element of the legal requirement for scrutiny of the performance under the contract is undertaken by the SPS who have put a Contract Monitoring Team in place. The team consists of three Prisoner Escort Monitors, a Senior Contracts Manager and a Head of Private Contracts Operations reporting to the Director of Operations through the Divisional Head of Operational Support. The SPS Contract Monitoring Team and transport providers gave generously of their time, experience, and knowledge to contribute fully to this review.

## **18. Annex C - Powers and Duties of Prisoner Custody Officers Performing Escort Functions**

### **Criminal Justice and Public Order Act 1994**

#### **104 Powers and duties of prisoner custody officers performing escort functions.**

(1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have power to search—

- (a) any prisoner for whose transfer or custody he is responsible in accordance with the arrangements; and
- (b) any other person who is in or is seeking to enter any place where any such prisoner is or is to be held and any article in the possession of such a person.

(2) The power conferred by subsection (1)(b) above to search a person shall not be construed as authorising a prisoner custody officer to require a person to remove any of his clothing other than an outer coat, jacket, headgear and gloves.

(3) A prisoner custody officer shall, as respects prisoners for whose transfer or custody he is responsible in pursuance of prisoner escort arrangements, have the duty—

- (a) to prevent their escape from legal custody;
- (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
- (c) to ensure good order and discipline on their part;
- (d) to attend to their wellbeing; and
- (e) to give effect to any directions as to their treatment which are given by a court.

(4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is

- (a) on any premises in which a court of summary jurisdiction is sitting; or
- (b) in a police station and has the custody of a prisoner who is, from the station, before a court of summary jurisdiction by electronic means, the officer shall have the duty to give effect to any order of the court under section 212 of the Criminal Procedure (Scotland) Act 1995 requiring an offender to be searched.

(5) The powers conferred by subsection (1) above and the powers arising by virtue of subsections (3) and (4) above shall include power to use reasonable force where necessary.

## 19. Annex D - User Experiences

The following summarises relevant experiences and views in the first person as they were described by the people affected. Twelve prisons were visited and 68 people took the opportunity to participate in discussions that took place between November 2023 and July 2024.

### Health, Wellbeing and Decency

Transport failure has directly affected my physical health and potentially my mobility. I had to have a secondary operation because of an infection that set in after my first operation. The delay in me receiving followup care as a result of transport failures contributed to this. I ended up an emergency admission after collapsing. Over the last four years I've missed over 20 appointments. They have turned up twice with the wrong transport. The hospital moved me to another clinic time to try to better suit transport. The SPS wasn't able to step in, staffing in the prison isn't great, so I've been going in private ambulances. It's the worry that gets you.

I had to take special medication prior to my planned medical procedure. It has been cancelled on numerous occasions and my lawyer has been advised. I was only informed when I reached reception.

On the van I was handed a bag to urinate in.

The cubicles are small. There is no air conditioning, and the heating is fierce.

There is a big step to get into the van and nothing to grab hold of.

I got a standard letter in response to my complaint.

You can see the staff are under pressure.

I have a condition that needs immediate attention if it flares up and I am worried that won't happen because of the situation with transport. I don't know if I have missed appointments because you are not always told. I have no belief in the complaints system.

I complained and after a long delay received a standard letter about staffing difficulties that was not specific to me. I made four complaints before I got this.

I had a hospital appointment cancelled and was taken by prison staff.

Prison staff had to call and confirm that my appointment was cancelled after I sat waiting in reception.

I have a condition that requires regular hospital appointments and three of them have been cancelled because of transport.

I had day surgery cancelled after fasting to prepare for it.

Three appointments were cancelled for a foot problem that is affecting my ability to work and go outside. I just want to feel normal.

The vehicles can be dirty. You can see where people have been spitting.

I have agoraphobia and the cubicles are too small for long journeys.

The GEOAme staff are great, they looked after me.

I'm being tested for cancer and my appointment has been cancelled three times. I put in three complaints and got one standard reply.

I was finished in court at 10.30am but didn't get into Polmont until 7.30pm. The van went to Addiewell and Saughton then Polmont.

The vehicles are uncomfortable with a lack of space. They are too cold or very hot. The heating is at your feet, and it was so hot it damaged my footwear.

The staff are mostly courteous, respectful and helpful. They give you water and something to eat when you ask.

My appointment was cancelled because of transport only 15 minutes before it was due, but SPS stepped in.

There is no opportunity to take a shower before going out to court in the morning.

It would be good if there was something to provide distraction in the vehicle like TV screens.

It is much better when SPS staff provide the transport.

Tight and uncomfortable handcuffs are used.

I didn't complain because I don't believe it is worthwhile.

The vans are uncomfortable, the space is too small, and it feels claustrophobic.

I was ready to leave court at 12.20pm but I wasn't picked up until 5pm.

I came in late I didn't get my medication and I was on Talk to Me as a precaution, I was exhausted.

Food was available but they don't give you vapes which I found very hard.

The staff are mostly lovely and go out of their way to help.

I was in a van with men, and they were shouting abuse when they heard women's voices.

The step into the van was too high and the seat was uncomfortable and sore.

It was much better when the police used to do it.

I was offered a bag to pee in, but I would rather wet my trousers because I felt I could be seen.

I was taken to a clinic, but it was embarrassing to be escorted by two staff and in handcuffs, so I didn't go back. The staff actually came into my appointment and there was no privacy, that actually affected my treatment.

It was too hot or too cold.

It would be better if you were not locked into a small space, the spaces need to be bigger.

There needs to be adequate toilet stops on long journeys.

The seats are uncomfortable.



There should be women's transport.

It is not a good way to start your time in prison.

The van I was in smelled of urine, there was saliva on the window where you could see where people had been spitting.

The van stopped at (a prison) but they wouldn't let me use the toilet. I was offered a portable bag, but I wouldn't use that especially on a van full of men shouting.

I was finished in court at 10.30am but not picked up until 8.30pm.

I was finished at 11am in court but didn't get to the prison until 9pm. They seem to pick men up first. The men were picked up four hours before I was, and I feel this is because they don't think the women will react aggressively to the delay.

I was sharing transport with men. They were not shouting at me directly, but they were constantly shouting to each other. This was stressful, it would be good if they provided transport for women.

A couple of the transport staff I've met didn't seem interested but mostly they have been lovely and very supportive.

It is frightening to be in a cubicle sliding around whilst going at speed down a motorway. I put my feet against the wall to balance/brace myself. The seatbelts don't help, and they don't always work.

I was given water and a sick bag when I needed it.

The vans are either extremely hot or cold.

They use handcuffs which are uncomfortable, you have to put your arms through a small space to have your wrists cuffed. It is a squeeze and feels humiliating.

I needed to go to hospital and that involved fasting and preparation. It was cancelled three times and each time that happened I was sitting in reception waiting. I was taken to my appointment the fourth time it was arranged; the transport was late. There was about a month's delay in my treatment because of that.

We are not always offered a shower before court. I came in last night and couldn't get a shower.

The vehicles can be dirty, and they are too hot or too cold.

The staff are mostly good. One of them sat with me for a period and it helped.

Spending a long time waiting for transport in court is the worst part it can be many hours.

My hospital appointment was cancelled three times so the prison staff did it.

I was late for my mum's funeral, and I didn't complain because I don't see the point.

I complained about staff conduct and that was investigated.

The staff can be disrespectful and sit on their phones.

Some vehicles have seat belts, some of them are stuck.

The people carriers they use are comfortable for longer journeys.

The handcuffs they use are uncomfortable.

The staff are nice, they went out of their way to chat and makes things less awkward and offered food and water.

The 14-seater has very hard seats and tiny cubicles and even fully extended the seatbelt are too small and often stuck.

The transport for my dad's funeral was two hours late, the funeral was at 10.30am. I wasn't picked up until after midday. When I got there, he had already been buried, and I had been going to take a cord. My family were angry at me, thinking I must have caused the late arrival. The Governor ensured I got a wreath and was taken back to lay it on the grave. That helped. I submitted a complaint, but I didn't hear back. It was a horrible experience that I will remember for the rest of my life.

There was graffiti in the cubicle, but it was fit for purpose. No food options for vegetarians were available.

I was travel sick. They didn't stop the vehicle and had to rummage for a receptacle. They ended up using a supermarket plastic bag which was slid under the door. It was difficult to reach in a small cubicle. I vomited in my hand, and it was so undignified. It made me feel unimportant. The staff were kind, they did their best and gave me water.

My hospital appointment was cancelled five minutes before I was due to be picked up.

The transport officers sat and used their phones.

The vans are very uncomfortable, the space is too small to put someone in for a long time, and the seatbelts don't always work. You can feel yourself moving around with nothing to hold onto. It is a worry that you could fall asleep on a long journey and be injured if there is a sudden stop.

The vans are not cleaned between occupants.

I wasn't offered a break to use a toilet they tried to give me an empty bottle to use. The portable toilet bags they give you are difficult to use and not hygienic, you can't wash your hands. There is no privacy and people can see you.

The transport staff are spot-on they do their best and could not do more. The problem is not the people it's the processes.

I had a hospital appointment at 3pm. I was asked to go with the placement bus first thing in the morning and expected to wait six or seven hours in the hospital. I declined this and it all had to be rearranged.

The transport staff say they are badly paid and treated.

I transferred from one prison to another for visits. I was on the van from 10am until 6pm. There was a stop to change vans. I wasn't given any water or food, and the prison kitchen was closed when I arrived.

I came in summer and the van was like a sweatbox. The smaller vehicles are better.

In court I was ready at 10am but not picked up until 5pm. They told me they were waiting for everyone to be finished. The atmosphere there is not pleasant, and you can't make any calls it is draining. They should do more runs.

I left the prison at 7.15am for court. They told me there was no time to get my medication. In the end they had to return to the prison for it.

Between September and December last year I've had four exploratory medical appointments cancelled and that has put a lot of worry in my mind.

When I went to hospital it was in a small van that was comfortable, and my seatbelt worked. The large ones are horrible, hard seats, extreme temperatures, small spaces.

The transport staff are very apologetic as well as being courteous and helpful. They've told me they have been en route to get me but have been redirected elsewhere. When I was detained in hospital, I met a lot of transport staff, and they were brilliant. I can't fault the staff they tell you about the issues affecting them.

I have used the portable toilet, and it was ok, but you can't wash your hands and then you may be eating.

I've formally complained twice but got the same standard response each time. The complaints forms are not freely available, the prison staff are accessing them for people when they ask. I have made my lawyer aware of the position.

I've missed five appointments for a scan, and I've only found out I'm not going after sitting in reception for some time.

The vehicle they sent for me didn't have a step it was difficult to get on board.

I've missed numerous medical appointments.

I can't travel in the cubicles for medical reasons that are recorded, but they kept sending the wrong vehicle despite the communication sent. On the ninth occasion they got it right.

Complaints forms are available, but I had to ask staff. I didn't complain because it's a waste of time.

I did not know that complaints forms were available, they are not in the halls and no one told me about them.

I complained but got someone else's letter and then an apology and a reference to short staffing.

I had nine appointments cancelled and I am told it is transport issues, but it is now affecting the trust I have in the prison staff. The SPS took me to my appointment on the tenth occasion. Shouldn't the SPS help me when transport fails? Shouldn't they negotiate the contract better? Is it not an option to bring transport back in-house?

My transport left without me. They said it took too long for me to get to reception.

I have an NHS letter that indicates I have refused an appointment, but I have not. It was a transport issue. That has played on my mental health.

My wheelchair got stuck on a ramp due to a malfunction. They had to bring another van, but it wasn't suitable. Eventually they got the original one working after staff got underneath the ramp to fix the issue.

The steps to get on the vans don't always work.

I had six or seven appointments cancelled and when I complained, the letter I got referred to another prison that I've never been in.

The vans are dirty and smelly.

I was put in a small box, and it affected my wellbeing, I kicked the door because I was so distressed.

After my operation I waited almost three hours to be picked up, I was given food, but it was cold.

My transport stopped in another prison; I needed off for a break, some fresh air, and the toilet but they would not let me off.

The shouting on the van affects you.

The seats were not padded enough and there was no seatbelt. A lot of the time the seatbelts don't work.

My seat felt like concrete.

The space is too small, and I could not stretch out.

The smaller adapted vehicles are better the heating is adjustable.

I was not allowed to vape and yet the staff vape at the hospital.

The negative impact of the transport issue affected me back at the prison.

The handcuffs they use are very uncomfortable. They have leather wrist protectors for themselves but not for us.

At the hospital I was physically restrained. I complained but didn't hear anything back.

I was left in the van alone for a long period while the staff went into the prison, someone should have stayed with me to keep watch because I was struggling mentally.

The staff are brand new; they have always been brilliant they let me have some time in the fresh air. It's not the staff to blame for failure it's their management.

The staff chat and that really helps.

I didn't complain because I don't believe it will change anything. The complaints system is not credible.

## Family Connections

I was approved to go out and see my brother who was gravely ill, but the transport cancelled, and he died before I could see him for the last time.

My wife is terminally ill, so the Governor granted a visit on compassionate grounds. This was arranged and cancelled numerous times with very short notice. It was distressing for me and my family. It went ahead on the eleventh time it was arranged. In addition, a scheduled eye operation had been cancelled at short notice the week before. It is difficult to keep behaviour in check due to these devastating disappointments. It causes ruminating. There is no point in putting in a complaint after the fact, that only increases the distress.

I had an escorted visit when my close relative was on life support. I was part of the decision making about ongoing treatment. The transport cancelled and if it wasn't for SPS staff I wouldn't have been there, and my family would have been affected.

When you know SPS are providing your transport you can relax because you know it will happen. It is hard to tell your family when transport is cancelled.

An escort to the funeral of close family member was cancelled the evening before. Having been aware of this risk I had taken action to avoid an issue by speaking to prison officers in advance. I was lucky that they cancelled the evening before because another family member's escort was cancelled at short notice on the morning of the funeral. Felt anxious, distressed and at risk of sabotaging progress through loss of control. My family were worried. In the end I was escorted by prison staff.

I was to attend a family court in one city, travelled to another city and back and never did get to the family court.

It is better to go on SELs with SPS staff. It is good for your personal officer to see you on the outside. They know you and they are better able to respond and manage situations.

The SPS go out of their way to transport people to Castle Huntly but that has a knock-on effect. The Family Contact Office is often closed because the officers are doing escorts.

I am supposed to attend children's panels monthly but because of transport issues I've only been once. I've been attending them by conference call. I want to be supportive and present for my kids, and to help my partner but I can't get my input across on a conference call.

I can't get to my hometown to see my dad who is unwell because of transport issues.

The current situation is making my family anxious about my health. It took seven bookings for me to eventually be transferred to (a prison) to get visits from family.

I had to have children's panel meeting rearranged because transport didn't arrive. A lot of people were affected.

I have missed children's hearings and supervised contact with my kids because of transport issues. I felt as though it was deliberate on the part of staff, and it made me really angry.

## Progression through the Prison System

I was transferred to a different prison to participate in an offending behaviour programme. I waited six months to be returned to my home establishment because of transport issues. There were 11 attempts to arrange it. I contacted my lawyer. Eventually prison staff did the escort at the weekend. I missed my ICM case conference, and my parole hearing was postponed. I got only a cell wage after my programme finished. It cost me a lot.

I have not been getting Special Escorted Leaves (as part of progression to prepare for release) because of the transport situation and I am scared to complain about because I don't want to be a problem or lose my place in the National Top End. It's the staff in the prison who get the pressure.

For community work placements they have reduced the number of buses which means that they are making more stops and journeys are longer. You arrive late (10.00 am) and finish early (2.30-3.00 pm) It makes the working day so short it feels pointless in terms of testing and preparation for release.

Why don't they work with prisoners? We could clean vans or even gain mechanical skills.

My transfer to Open was delayed by three weeks because of transport.

I was delayed in progressing to Castle Huntly for eight weeks. I was let down every Tuesday in that time. When I did transfer the van stopped at six prisons on the way. I was on the van from 8.45am until 3pm and was not given any food or water. I got off the bus hungry and exhausted I didn't complain I was just glad to have eventually progressed.

I was transferred to National Top End only after four attempts to book it. I needed to have six SELs before progressing to placement and that took 18 months.

It was SPS staff who picked me up to transfer (to a Community Custody Unit) and that was a really good thing because it helped me settle and get to know people. It took 40 minutes and that was time to relax and prepare for the new environment.

Prison staff are coming in to do SELs at weekend because they were being routinely cancelled but this doesn't suit everyone.

I only had one SEL in nine months and that could affect time in custody. There is competition for the SEL slots and that can cause some tension between prisoners. It is not clear how the slots are being prioritised.

Families have bought food for SELs and then been let down wasting money. Our families suffer as much as we do, and family contact is affected.

## 20. Annex E - Arrangements for care out with prison

- 39.**– (1) Where the Governor receives a recommendation from a healthcare professional that the condition of a prisoner's health requires the prisoner to be–
- (a) referred to a medical practitioner or a specialist out with the prison; or
  - (b) treated at a medical facility out with the prison, the Governor must comply with paragraph (2) or paragraph (3).
- (2) The Governor must grant the prisoner a period of unescorted release for health reasons where–
- (a) the prisoner is an eligible prisoner for the purposes of rule 134(2); and
  - (b) the Governor considers that it is appropriate to grant temporary release to the prisoner under rule 135.
- (3) The Governor must arrange for the escorted release of the prisoner to the medical practitioner, specialist or medical facility out with the prison where–
- (a) the prisoner is not an eligible prisoner for the purposes of rule 134(2); or
  - (b) the Governor considers that it is not appropriate to grant temporary release to the prisoner under rule 135.



## 21. Annex F - List of Recommendations

### To develop the SPS approach to contract management.

**Recommendation 1:** The SPS should consider deployment of additional resources to intensify monitoring activity in response to need.

**Recommendation 2:** The SPS should consider enhancing the management of contracts that have the potential to impact significantly on people in custody by providing the Contract Monitoring Team with access to professional contract management development such as that described in the [Guidance for Civil Service: helping you with managing contracts and suppliers](#).

### To improve external scrutiny of prisoner transport.

**Recommendation 3:** HMIPS should now conduct a review of the Standards for Inspecting and Monitoring Prisons in Scotland, Quality Indicators, preinspection surveys and approach to inspecting court custody units. The aim is to develop a framework that will deliver specific and proactive scrutiny of the provision and impact of transport as a discrete service affecting people and systems in each prison or court custody unit and in the context of its potential to encroach on human rights.

### To assure delivery of a rights- respecting prisoner transport service in the future.

**Recommendation 4: A full appraisal of the available options should be undertaken in advance of taking forward any new or extended prisoner transport arrangements.** Failure analysis should be part of this. The options appraisal should be done utilising HM Treasury's [Green Book Methodology](#) to assess the costs, benefits and risks of alternative ways to meet the government objective of providing effective prisoner transport. Parameters should be agreed in advance and should focus on the importance of protecting and respecting the human rights of people in custody and their families, taking into account lessons learned from the experience of the current contract. There should be reconsideration of the decision to seek a sole provider and whether elements of the service should be delivered separately. **The options appraisal should recognise the importance of relationships when delivering effective case management and a trauma-informed and reliable service especially where life events or critical health appointments are concerned.** The option of in-house delivery by criminal justice partners for all, or parts of prisoner transport requirements should be included. Any procurement exercise should undertake sufficient market engagement to encourage bidders. There is a key role for Scottish Government in this activity.

### To develop Governance of the prisoner transport service.

**Recommendation 5:** The MALG forum should be underpinned by a formal Terms of Reference. It should be a strategic forum and demonstrate independence in decision making through the appointment of an independent chair who is a member of the Scottish Government.

**Recommendation 6:** A subgroup of the MALG should be formed in which operational partners should consider in more detail how they can best work together to problem solve and ensure their relevant practices are cohesive in creating conditions in which the transport provider can operate to best effect and the rights of people in custody can be protected. Performance measures should focus on the end user experience.

**Recommendation 7:** The MALG should commission written contingency arrangements to describe how a joint response to risk or occurrence of large or smaller scale failure of prisoner transport should be responded to or mitigated to minimise negative impact on service users and their families as well as the criminal justice system. The obligations of the human rights duty holder should be explicit within the agreed contingency arrangements and the providers of any contingency response should be resourced to provide it.

### **To maintain an optimal and resilient workforce with capacity to deliver the requirements of prisoner transport effectively.**

**Recommendation 8:** The transport provider should carefully examine the full range of employment conditions that may have contributed to staff attrition over the life of the contract. Engagement with staff and managers should inform the considerations.

**Recommendation 9:** The SPS and the transport provider should ensure that rates of pay for PCOs remain competitive and reflect the responsibilities of the role. Any new arrangements should build in periodic review in addition to annual increments.

### **To strengthen contingency action to avoid non-court appointment failure and better understand the scale of it.**

**Recommendation 10:** The SPS and the MALG should give immediate consideration to taking the necessary action to assign certain non-court appointments the same status as court appointments in order that they are not vulnerable to "planned failure".

**Recommendation 11:** As a matter of priority and urgency SPS, the transport provider and other relevant partners should consider ways to develop and implement a more robust approach to assure attendance at non-court appointments, for example by improving communication to arrange longer notice periods, working more effectively together, or co-ordinating a central approach as SPS have done in relation to inter-prison transfers, stepping in to relieve the provider of specified appointment types or providing additional support to establishments in response to assessed need. Alternative methods of providing transport should be actively considered.

**Recommendation 12:** SPS should gather data to develop awareness of the scale and nature of ultimate appointment failure after local prison's attempts to step in. Significant missed appointments should be considered as recordable incidents and patterns of occurrence analysed to scrutinise performance and inform consideration of further actions.

**Recommendation 13:** Scottish Government should be aware of the potential for encroachment on human rights and legal challenge.

### **To improve prisoner transport for specific groups and in response to user feedback.**

**Recommendation 14:** The transport provider should make reliable arrangements, agreed with relevant partners to ensure that toilet stops are planned and facilitated. Checks should be conducted to ensure they have occurred. The use of travel toilet receptacles should be considered only as a contingency measure and recorded as such.

**Recommendation 15:** The SPS and transport provider should reconsider the specific needs of women and the growing number of people with additional needs. The transport providers, SPS and MALG partners should ensure that equalities and child-based impact assessments are conducted to inform any outcomes and that these are available for scrutiny.

**Recommendation 16:** Partners involved in the criminal justice pathway should work together to reduce incidences of late arrival at prisons.

**Recommendation 17:** The Scottish Health in Custody Oversight Board should continue to monitor missed health appointments and provide assurance to the Scottish Government regarding compliance with the Duty of Candour legislation. Together with SPS they should continue to monitor late prison arrivals and take actions to ensure that there is a robust process in place to ensure that those prisoners arriving late receive a formal health screening assessment. Digital solutions should be part of the solution. They should escalate any concerns to the Scottish Government.

**Recommendation 18:** The transport provider should make robust and reliable arrangement to assure the cleanliness of all vehicles and that all elements are in working order including radios.

**Recommendation 19:** The transport provider should ensure there is an adequate variety of food options available and should routinely provide materials to alleviate the risk of boredom through lack of mental stimulation on longer journeys.

**Recommendation 20:** A requirement to take more direct routes or limit the time spent on vehicles should be an element of any new or extended Contract Specification which should also focus on minimising late arrivals. The specification should set parameters that recognise good and acceptable performance with a "carrot rather than stick" approach.

**Recommendation 21:** Any new or extended transport arrangements should include reviewing the use of the large cellular vehicles to consider restricting their use to shorter journeys in recognition of the small spaces and other comfort factors mentioned in this report.

**Recommendation 22:** The SPS should ensure that people in custody are provided with the opportunity to shower before travelling to court.

### **To restore a complaints system and develop an ongoing user feedback mechanism.**

**Recommendation 23:** The SPS should make transport provider complaints forms freely and anonymously available in the residential halls as well as reception and people in custody should be made aware of how to complain as part of their induction.

**Recommendation 24:** The transport provider should immediately restore the full complaints service and develop ways to actively seek and respond to service user feedback on an ongoing basis. They should develop the current process to invite regular feedback about the service as well as complaints.

### **To reduce the demand for prisoner transport.**

**Recommendation 25:** Joint work should be taken forward to develop and deliver the infrastructure and resources to enable optimal use of technology to replace in-person court appearances, healthcare appointments and any other external activity where this is appropriate. Any efficiencies gained from this should be deployed to help ensure that direct routing is included appropriately in any new or extended arrangements. The aim should be to ensure journeys are as short as they can be whilst waiting time at court is minimised.

## 22. Annex G - Glossary of Terms used in this Report

COVID-19	Coronavirus Disease 2019
EEDA	Escorted Exceptional Day Absence
HMCIPS	His Majesty's Chief Inspector of Prisons for Scotland
HMIPS	His Majesty's Inspectorate of Prisons for Scotland
HMP	His Majesty's Prison
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICM	Integrated Case Management
IPM	Independent Prison Monitor
MALG	Multi Agency Liaison Group
PCO	Prisoner Custody Officer
SCCPES	Scottish Courts Custody Prisoner Escorting Services
SCRA	Scottish Children's Reporter Administration
SEL	Special Escorted Leave
SPS	Scottish Prison Service
VIPER	Video Identification Parade Electronic Recording
YOI	Young Offender Institution



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