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**Special edition:  
Recovering from the COVID-19 Pandemic**

# Reflections on the Scottish experiences of recovering after the pandemic

*Wendy Sinclair-Gieben is Her Majesty's Chief Inspector of Prisons for Scotland. She is interviewed by Dr Matt Maycock, lecturer at University of Dundee.*

**Wendy Sinclair-Gieben is Her Majesty's Chief Inspector of Prisons in Scotland (HMIPS). She is the first female Chief Inspector, the first Chief Inspector that has direct operational experience in prisons, and she is also the first Chief Inspector that has come from the private sector. She has managed prisons in the English, Scottish and Australian prison systems, including managing both public and private prisons. Not only has she worked in prisons but has also worked in education, prisoner transport, immigration and health, and not just prisoner health but health services in community settings.**

The interview took place in October 2021.

**MM: To start things off, I wanted to ask you to reflect on how you think the Scottish Prison Service (SPS) have responded to the Covid-19 pandemic?**

**WS-G:** Despite the predictions, there have been very few deaths in custody and a lot of that is due to a really robust approach to managing the virus transmission risk. It's quite impressive and has been a huge challenge. Prisons across Scotland had many of their own staff going off as well, but they responded quickly. For example, the rapid introduction of in-cell telephony and virtual visits. There was a significant amount of communication to prisoners and staff to make sure they knew that what was happening to them, that was not dissimilar to the community. All of those things were extremely impressive. However, in the early days human rights breaches were common, as reported in a number of HMIPS visit reports.

**MM: Can you identify any positive changes to come out of the Covid-19 pandemic in Scottish prisons?**

**WS-G:** Covid-19 has had a detrimental effect in many ways and a positive effect in others. One advantage is that Covid-19 is that this has forced us to rethink how we do things. In relation to positive changes, I didn't think that SPS would ever achieved cell telephony or technology through as quickly as they have without the pandemic. This is an example of the

creativity in response to Covid-19 that has had distinct benefits.

**MM: Would you be able to elaborate on the changes in relation to technology during the pandemic within Scottish prisons? And how are prisoners and staff reacting to these? Has there been any resistance to introduction of the mobile phones and video visits etc.?**

**WS-G:** One of the real benefits of the Covid-19 pandemic has been the rapid introduction of digitalization across justice. Despite these positive changes, there were inevitably glitches in the delivery of new technologies. There was a whole rumour that the mobile phones could be adapted for criminal use by the smuggling in of SIM cards. However, the SPS has been on top of that. With prisoners, there was a real risk of an adverse reaction during the lockdown. That this didn't happen is precisely a consequence of the introduction of mobile phones and the virtual visits. Practically speaking, virtual visits varied in uptake across the estate. Some of that was because families did not have access to technology, and some of it was technical, but these issues are largely smoothed out now. There have been a number of important innovations, for example, putting the capability into visitor centres so families could come in and use the technology there if they didn't have a computer at home. This is a significant step forward. In future, the next step has to be in relation to in cell technology where people in custody can access learning information, book visits, pay for their canteen, talk to professionals such as healthcare. The next iteration of in-cell telephones has to allow for greater use of free phone numbers and help numbers, but also provide the ability to phone in, so that for example health services can contact prisoners. In the community, you or I can phone NHS 24 any hour of the day and night, these future changes will enable people in custody to also access these services in the community.

We have also seen a significant increase in the availability of virtual courts. However, there has been a lot of debate and argument around this particular issue. Prisoners have been telling us is that prior to the

pandemic they would have to get up early, go down to reception, hang around in a van for hours, hang around in court in a custody unit for hours. Most likely more hanging around and all potentially for a five minute appearance in court. However, due to virtual courts, they can appear remotely, they have said that they have a huge sense of relief that they can now attend virtually.

**MM: What have been the main challenges relating to Covid-19 within the Scottish prison system?**

**WS-G:** The SPS found it difficult to manage the staff and the process to make sure they kept within the human rights guidelines, although that eased as time went on and they became more experienced and more staff came back to work. However, backlogs have occurred in certain areas. There is a substantial gap in learning. Progression is also problematic, as there is a huge backlog here. I have a real concern that both prisoners and staff feel that the lockdown culture delivered a higher level of safety. I don't think it does, and on the contrary, it certainly doesn't develop the rehabilitative atmosphere that is needed in our prisons.

**MM: How do you reflect on all the services normally available in prison that have been paused due to Covid-19?**

**WS-G:** All services within prisons have adapted significantly. For example, there was a huge resistance to getting education back into prisons, likewise social services were kept off site and didn't have access to PR2 (the internal prison database). Everything was challenging at first, but there have been more recently improvements. One of my major concerns is that Covid-19 is now part and parcel of the everyday 'normal', so the numbers of people able to access the limited opportunities have gone down. I talked about the backlog and the learning gap but there is also a real need for both an estates review and a purposeful activity review or rehabilitative activity review — for me these are important areas of future focus and improvement. For example, if you take HMP Barlinnie with 1200 prisoners and it can only take a few people out to education and 400 activity places overall now reduced by about half. In this context you have got a real problem with far too many people being locked up

far too long without access to rehabilitative services and programmes.

There is a bigger issue here, relating to the introduction of psychoactive substances. This has been a game changer within Scottish prisons and having to adapt to this is a real challenge for the SPS. The SPS are rethinking their approach here and looking at recovery and recovery cafes. They are also rethinking their audit structures and they also need to rethink their reporting structures. It is a delight to see that happening because these areas have been moribund for a few years. I

worried that the introduction of an interim CEO and an interim executive management group might prevent the prison service being taken forward, but actually to see the SPS thinking through these issues is very exciting. In some senses it is very easy at the moment. It is easy to say 'We're dealing with the pandemic, we don't need to deal with anything else'. But actually, SPS management are not saying that. They're standing back, looking at the strategy and not just doing the firefighting in response to the challenges of Covid-19, but also vital strategic planning. They deserve significant praise for that.

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**MM: How do you respond to narratives about it potentially being positive that elements of the lockdown might be maintained in prisons, in terms of prison**

**staff being safer or there being a reduction in violence?**

**WS-G:** At HMIPS we are worried about that narrative. However, it is not as prevalent in Scotland as it is in England and Wales. There has been a huge focus on what can SPS learn from the challenges of Covid-19. For example, there is a recognition that personal officer work has been lost during Covid-19. Therefore, rather than unlocking for full association and full mixing during the evening, which is a risky period, that time is used for case management and purposeful activity. I've been quite impressed with the strategic thinking, seeing this as an opportunity to reset the clock and rethink aspects of prison policy and practice. However, what remains worrying is the number of people who are locked up for 22 hours a day. This remains very difficult and challenging, and the SPS are going to have to find a way through this. It is important to note that remand prisoners in Scotland were routinely locked up for 22

hours a day prior to the pandemic, there has been no change for them.

**MM: Do you have a sense of a different approach and or/ response to the pandemic within the Scottish prison system in contrast to other jurisdictions?**

**WS-G:** I do not work within the English system and I haven't been able to verify my findings, but looking at their policies they used reverse cohorting, where new receptions are kept isolated for a period in order to ensure they are free of infection. Reverse cohorting was consistently applied across England, and should have been applied where possible across Scotland, but it wasn't. I absolutely approve of this approach. That was down to governor discretion in Scotland, although whenever there has been an outbreak, it was managed by a very tight incident management team involving Public Health Scotland, the local health board and the prison. Although I like that governors are empowered and have discretion, that means that the differences between each of the prisons are often considerable.

**MM: What would you point to in Scotland, that other places could learn from in the approach to the pandemic and recovery?**

**WS-G:** What has been impressive is the rapid response and creativity, with infection control being introduced, virtual visits and in cell telephony introduced. These are seriously impressive responses to a very challenging situation.

**MM: Do you think the regimes are getting back to a place that people would recognize before the pandemic? Or do you think there's still some way to go from a people in custody perspective? So how do you think prisoners are coping with the changes to the regime? And do you see them ever getting back to how they were prior to the pandemic?**

**WS-G:** No, I don't see the regime going back to how it was pre-pandemic absolutely not. I thought prior to the pandemic that the opportunities for rehabilitative activity were not exploited and not delivered as well as they might have been. There were some prisons that had sufficient activity, but an awful lot that didn't. There was a cultural acceptance that remand prisoners

weren't entitled to activity or to be paid for employment. I am shocked at that. My argument has been, and always has been, that if you are tangling with the police to such an extent that you end up in custody, then you have criminogenic needs, and we should be addressing those needs. There wasn't sufficient activity in many of the prisons prior to the pandemic and it is currently so poor, as it is impossible for people to access sufficient activity.

**MM: How do you see that changing and evolving? Or do you think there will be elements that are going to be sustained after the pandemic?**

**WS-G:** We are heading into a fiscally challenged period and the reality is that prisons are expensive. There is not going to be a sudden influx of additional resources, so we have to rethink how we deliver prisons. For example, you cannot have everyone in custody working full time with the limited number of jobs available. Prison employment will all have to be part time. Furthermore, I think we need to focus on developing a digitalization strategy and framework, so that education and indeed all learning activity which can't be delivered face to face because of Covid-19 restrictions, can actually be done through in cell technology. This will enable these services to be delivered differently.

We need to think outside the box and exploit the current system to explore what we can do differently. For example, if you look at HMP Barlinnie, they are leading the way in some respects. They have developed these community centres where they have a library, recreation area, the prison radio, as well as community groups who are providing support and advice. It's a very different approach, where the whole prison gets a chance to go down there, whether you're remanded or convicted. It's a better use of space than having 12 people accessing a workshop where they are unlikely to achieve a lot in the time they there anyway. This is an example of the pandemic forcing a level of creativity. I hope that the fact that we are going to be fiscally challenged will also force a complete rethink of how we manage prisons and also what is prison for. One of the simplest solutions for the future, will be to reduce the prison population. I keep hoping we will reduce the prison population by tackling prevention and diversion.

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**MM: Do you think kind of Covid-19 as pointed as it highlighted some of the tensions around the delivery of health care in prison?**

**WS-G:** Very much so. Covid-19 has magnified social isolation, which is a big focus for me. It has also magnified people in custody's mental health issues. I know that the Mental Welfare Commission is undertaking a thematic review of mental health in Scottish prisons at the moment. Covid-19 has had a massive impact on the delivery of health care, delivery of mental health and well being support. It's evident that when you go into a prison there's a proportion of acutely mentally unwell people, regardless of whether they're treatable. I'm not a psychiatrist, but it's visible and the proportion is rising over time. This points to the changing demographics within the prison population. Additionally, the families of people in custody have been particularly impacted by Covid-19, and the results are visible.

**MM: Could elaborate on your insights into the impact on families specifically?**

**WS-G:** Families have been hugely and adversely affected. Not being able to visit their relative, not being able to see for themselves that their relative is OK. They have found that incredibly hard. The introduction of virtual visits has helped and it had a few added bonuses. People who haven't been at home for a long time would say, 'oh, that's what the dog looks like' or 'Oh my goodness, you decorated the kitchen'. Those were delightful moments. For some people, who live far away, not having to face that long journey and being able to have a virtual visit instead has been beneficial. Likewise, for people who've got family abroad virtual visits have been a huge bonus. Despite all of this, it doesn't alter the fact that they want to see for themselves. When families do come into prison for a visit, many of the facilities are closed down due to Covid-19. This includes, the play areas, the cafes, etc. So it's been a really difficult and tough time for families, compounded by the inability for families to easily raise concerns with the prison. This has never been very good, and it is particularly difficult for families.

**MM: In terms of the vaccination program in within Scottish prisons, how do you feel this has gone?**

**WS-G:** Overall, the vaccination programme and rollout has gone well. I argued strongly that the Joint

Committee on Vaccination and Immunisation (JCVI) approach wasn't appropriate for the contained environment. There are sectors other than healthcare that should also be considered for sector vaccinations with the police and the prison service being two of them. However, the reality is the number of Covid-19 related deaths in both staff and prisoners has been low, so all the predictions of hundreds and hundreds of deaths has not come to fruition. I do think our approach to admissions should match that of approach going into hospital. Currently if somebody coming into prison refuses a PCR test on admission, they are just immediately put into the general community if they're not symptomatic. That places the general community at a higher risk than necessary, so I would like to see a shift to quarantine on admission.

**MM: How have the staff have been affected?**

**WS-G:** The Scottish prison staff been amazing, and frankly they all deserve medals. They have continued turning up and remain committed to their work, continuing to do the very best that they can. They have tolerated the continually changing advice and guidance. They have tolerated the changes to the core day, which is a shift away from the pre-pandemic 'two shift' pattern. For some staff this has had implications for childcare. They are hidden heroes and they deserve a lot of praise.

**MM: Do you have any reflections on staff morale, and the impacts of the pandemic on staff culture?**

**WS-G:** There were some prisons where staff morale became very low and as a result the treatment and conditions for prisoners were impacted. Although in other prisons there was a kind of back to the wall, 'we're all in this together' culture and a real buzz around the place. Staff have found it increasingly difficult, particularly around not getting early access to vaccinations. There have also been challenges around very little recognition for prison staff. There has been nothing similar to the clap for the NHS, when prison staff have also been turning up to work every day, managing difficult, vulnerable or violent prisoners. If you end up rolling around the floor with prisoners, you are very much more at risk, far more than you are if you're walking down the street with a mask over your face. There was a real a real sense of being forgotten and marginalized among prison officers. I'm sorry

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about that because they really are one of the emergency services but are not as visible as other services. They showed true heroism.

**MM: How has the pandemic impacted prisons across Scotland differently?**

**WS-G:** Prisons had quite different experiences across Scotland, so some prisons said they really valued the lockup culture because they got far more time to do their personal officer work and consequently, they built strong relationships with prisoners. Conversely, staff in other prisons felt that they were concerned because they no longer had the constant ability to monitor, particularly people going downhill with mental health, and they felt that the lockup culture inhibited their observations.

**MM: On a more operational level, what have been the implications of Covid-19?**

**WS-G:** The adoption of facemasks is the obvious one, but actually all the administrative staff being able to work remotely has been a big change in response to Covid-19. The idea that you need huge buildings in order to have administrative staff capacity has now gone. Therefore, the assumption that working from home was just a 'jolly' has now largely gone too. This is a big shift. The adoption of new digital technology is really encouraging and interesting to watch happen. It's very easy to think of prisons as all about prison officers, but sometimes we forget the significant proportion of the SPS workforce behind the scenes who are doing important work as well.

**MM: That is interesting, so Covid-19 looks like contributing to the further unravelling of presenteeism, do you think actually some of these changes are here to stay?**

**WS-G:** Yes. Definitely. The prison service are moving to smaller headquarters, because they can manage so much more remotely.

**MM: Do you think the things that we're learning in our response to the pandemic in prison, will have an influence on the way the way the prison estate develops in Scotland?**

**WS-G:** Yes, very much so. One of the things I've been discussing is the possibility of using the Australian state of Victoria model. This relates to having some of

the prison run jointly with a forensic health service so that prisoners don't need to be transferred. As you know, the delays for transfer to inpatient care are often huge, particularly for women, so by having a jointly run forensic unit within a prison, you are future proofing the prison. Prisons were largely built for young fit men, but in reality the aging population requires a very different structure. So when we are future proofing prisons, we have to do the demographic modelling and say how is the prison population evolving. We all know legacy sex offenders and the rise of people in custody due to serious and organized crime, combined with the rise of sentence length means that the demographic within the prison is changing significantly. Therefore, future proofing is not just about what can we do better and let's replace HMP Barlinnie, but it's also about what can we do jointly with other organizations. We should have the courts and the forensic services and the juvenile estate all in one complex. I'm also looking forward to the community custody units (CCUs) for women, which are a very different model of imprisonment. If this new approach works, how nice it would be to replicate the model for young people and adult men as well in future.

**MM: Prisons seem to be very prominent in the reporting around Covid-19, so how do you think the pandemic has in any way influenced public perceptions of prisons and punishment in Scotland?**

**WS-G:** That's a really interesting question and not something I've actively considered. One of the things I'm aware of is there's been a significant adverse media reaction. The SPS is, to some degree beleaguered. A lot of the work that they do that is really good, however, this is somehow lost in the criticism and complaint. This is unfortunate. I do worry that the Scottish Prison Service comes in from more than their fair share of adverse media attention

**MM: How has COVID-19 impacted the work of HMIPS?**

**WS-G:** Covid-19 has impacted HMIPS in many ways, as we had to develop an adaptive methodology for both inspection and monitoring. HMIPS does not only inspect, but we also manage about 100 volunteer monitors who normally go into the prison each week. It was immediately obvious that needed to change in

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response to Covid-19. We've developed a remote monitoring framework for prison monitoring until people were comfortable going in again. We adapted the methodology for inspection. During inspections, we went in for two days only and we managed to inspect all of the prisons across Scotland. We believe that without scrutiny, there is potential for abuse, and therefore it was critically important that we went in and saw for ourselves what was going on throughout Covid-19.

**MM: What does what does future planning look like for you?**

**WS-G:** One aspect is taking the lessons learned forward. In reality, we've already had to adapt our full inspections, as the prison we're going to has had a full outbreak and is just at the tail end of that. Therefore, elements of our adapted methodology will now be put into our full inspection methodology. What has stood out during the pandemic, is that there is a greater need for thematic reviews. Previously there were very few thematic reviews over a period of a five year period. We now intend to do one or two every year.

**MM: Finally, what do you think the legacy of Covid-19 will be in relation to prisons systems?**

**WS-G:** What is interesting to see is how you can, even in adversity, continue to deliver a high quality service. The most exciting part for me is to actually think about the kind of bureaucracy that the Scottish Government is, for example the lack of interoperability and the often siloed approach. Everybody is looking at that and rethinking previous approaches. New questions are being asked, such as; what can we do better? What can we do that would bring all these silos together where the sum is greater than the parts? I look at the National Preventive Mechanism, the Scottish Government, the Scottish Parliament's greener, fairer, future focus, and the current Programme for Government. Looking at all of this together, and we're really beginning to tackle the systemic issues of silo thinking, lack of interoperability and lack of strategic direction. Scotland is used to being brave and bold and we need to strike while we can.