



## AUDIT COMMITTEE

### AGENDA

**3rd Meeting, 2003 (Session 1)**

**Tuesday 4th February 2003**

The Committee will meet at 2.30 pm in Committee Room 2 to consider the following agenda items:

1. **Dealing with Offending by Young People (in private):** The Committee will consider lines of questioning for the witnesses at agenda item 4.
2. **Items in private:** The Committee will decide whether to take agenda items 6 and 7 in private.
3. **Hospital Cleaning:** The Committee will receive a briefing from the Auditor General for Scotland on his report entitled 'Hospital Cleaning' (AGS/2003/2)

Not before 3pm

4. **Dealing with Offending by Young People:** The Committee will take evidence from:

Mr Jim Gallagher; Head of Department, Scottish Executive Justice Department;

Ms Elizabeth Carmichael, Head of Community Justice Services Division, Scottish Executive Justice Department;

Chief Constable David Strang, Chairperson, General Policing Standing Committee, Association of Chief Police Officers in Scotland;

Mr Robert Gordon, Chief Executive, Crown Office and Procurator Fiscal Service;

Mr Norman McFadyen, Crown Agent Designate, Crown Office and Procurator Fiscal Service;

on its inquiry into the report by the Auditor General for Scotland entitled 'Dealing with Offending by Young People' (AGS/2002/8).

5. **Dealing with Offending by Young People (in private):** The Committee will consider the evidence taken at agenda item 4 and further arrangements for the inquiry.

- 6. Hospital Cleaning:** The Committee will consider its approach to the report by the Auditor General for Scotland entitled 'Hospital Cleaning' (AGS/2003/2).
- 7. Audit Committee Legacy Report:** The Committee will consider a paper from the Clerk on the Audit Committee Legacy Report for the 1st session of the Scottish Parliament.

Shelagh McKinlay  
Clerk to the Audit Committee  
Room 2.1, Committee Chambers  
Ext. 0131 348 5390  
Email: [shelagh.mckinlay@scottish.parliament.uk](mailto:shelagh.mckinlay@scottish.parliament.uk)

The papers for this meeting are as follows:

**Agenda Item 1**

Briefing Paper

PRIVATE PAPER

**Agenda Item 3**

Report by the Auditor General entitled 'Hospital Cleaning'

[AGS/2003/2](#)

Note from the Auditor General

[AU/03/03/1](#)

**Agenda Item 4**

Report by the Auditor General entitled 'Dealing with Offending by Young People' – *members are reminded to bring their copy*

AGS/2002/8

Written Statement from the Scottish Executive Justice Department

[AU/03/03/2](#)

Written Statement from the Association of Chief Police Officers of Scotland

[AU/03/03/3](#)

Written Statement from the Crown Office and Procurator Fiscal's Service

[AU/03/03/4](#)

**Agenda Item 5**

Briefing Paper

PRIVATE PAPER

**Agenda Item 7**

Briefing Paper

PRIVATE PAPER

**SCOTTISH PARLIAMENT AUDIT COMMITTEE MEETING 4 FEBRUARY 2003**

**REPORT BY AUDITOR GENERAL FOR SCOTLAND**

**HOSPITAL CLEANING – A FOLLOW-UP REPORT**

---

On 30<sup>th</sup> January 2003, Audit Scotland published a follow-up report on hospital cleaning. This assesses progress against a number of the recommendations of the baseline report which was published in April 2000. It also includes a snapshot review of levels of cleanliness in 74 hospitals throughout Scotland and an initial assessment of trusts' compliance with the standards for hospital cleaning services which were issued by NHS Quality Improvement Scotland (previously Clinical Standards Board for Scotland) in January 2002. This review is the first time that Audit Scotland and Quality Improvement Scotland (QIS) have collaborated on a study and recognises the importance of joined-up reviews, and a lack of duplication for hospitals. This report complements the report on Healthcare Associated Infection; Infection Control published by QIS on 23<sup>rd</sup> January.

The snapshot review found variation in the level of cleanliness in hospitals, with over one in five hospitals having at least one ward or public area that failed to meet acceptable standards. The Auditor General's report investigates the reasons for variation in the level of cleanliness. While no one factor was directly related to cleanliness, a number of factors make it more difficult for hospitals to achieve acceptable levels. These include:

- recruitment and retention difficulties in some trusts leading to high levels of staff turnover and vacancies
- the need for maintenance, refurbishment and cleaning of areas inaccessible to domestic staff
- inadequate arrangements for monitoring hospital cleaning by trusts
- difficulty with the terms of contracts with some external providers

There is evidence of many trusts having carried out significant work to implement the QIS standards and of further work being planned. Any further review of the implementation of the standards will be undertaken by QIS.

The Health Minister has stated that ensuring hospital are clean and the control of healthcare associated infections (HAIs) are priorities for the NHS in Scotland. This report highlights actions that have still to be taken and makes a number of recommendations aimed at improving the quality of hospital cleaning, including the introduction of an ongoing programme of reviews of levels of cleanliness at hospitals.



## SCOTTISH EXECUTIVE

Justice Department  
**Jim Gallagher**, Head of Department

St Andrew's House  
 Regent Road  
 Edinburgh EH1 3DG

Andrew Welsh MSP  
 Convener  
 Audit Committee  
 The Scottish Parliament  
 Edinburgh  
 EH99 1SP

Telephone: 0131-244-2120  
 Fax: 0131-244 -2121  
 Jim.Gallagher@scotland.gsi.gov.uk  
<http://www.scotland.gov.uk>

Your ref:  
 Our ref: JDGmmd432

30 January 2003

Thank you for your letter of 10 January seeking a statement for your inquiry into the report on "Dealing with Offending by Young People". As Head of the Justice Department, I am accountable for the policy and funding of the criminal justice services including the police, court services, criminal justice social work services and prisons which deal with young people between the ages of 16 and 21 who offend, excluding statutory children. It is important however to stress that this evidence should be taken alongside that of my colleague Mr Ewart from the Scottish Executive Education Department.

I very much welcome the Audit Scotland Report and the evidence and analysis which it contains, and look forward to discussing it with the Committee on 4 February

### **Performance of the System**

On your first broad question, the Audit Scotland Report highlights a number of strengths within the criminal justice system. These can be linked directly to the high priority which the Executive has given to combating crime in Scotland since 1999. This has delivered significant improvements which are evidenced in the record numbers of police officers, the highest clear-up rates since the Second World War, more drugs seizures and an overall reduction in crime rates. There are also encouraging figures on youth crime: a decline of almost 25% in the number of young people under 21 with a charge proved in the courts over the past 5 years. Whilst figures may fluctuate year on year, there seems to be a continuing downward trend. The objective study which Audit Scotland has carried out helps base the debate on the facts.

I have however no doubt that the system could work more efficiently than it does and that there are particular areas where we need to concentrate attention. One of these is the problem of the more persistent young offender.

I welcome the recognition given in the report to the importance of stable and identified funding which ensures that the system is properly and sufficiently resourced. The settled staffing within criminal justice social work, supported by National Objectives and Standards, also provides a solid

foundation for the service provided to courts: for example, 95% of social enquiry reports are delivered to the courts on time.

The report also highlights weaknesses that need to be addressed. Time taken to process cases may indeed be too long; there is a need to ensure that the criminal justice system shares a common set of objectives; greater consistency (but not uniformity) in decision making can be achieved; more needs to be done to promote the use of the broad range of alternatives to custody now available to the courts; that the increase in the numbers of young females in prison is a continuing problem: and that we must maintain the right balance of funding between prosecuting and reaching decisions about young offenders and providing services to tackle their offending behaviour. In each of these areas, I believe that the Executive is making efforts to improve the effectiveness of the system, as I explain below.

### Improving the Effectiveness of the System

To assist the Committee's consideration, it may be helpful to provide more information on a number of the initiatives now underway.

In addressing the **time taken** to reach decisions, the Ten-Point Action Plan on youth justice committed us to examining the feasibility of a youth court with fast track hearings for persistent young offenders. Following publication of the feasibility report, we plan to establish the first youth court in Hamilton and the intention is for it to be operational in the Spring. This has placed a special emphasis on fast tracking young offenders. On the court side, the Action Plan also committed us to looking at measures to increase the speed of referral to the courts. We are setting up a working group of key agencies to take this forward.

On the question of **overarching objectives**, the Executive is actively considering ways to improve the machinery for consultation and co-ordination at national level. In particular, the Justice Minister and Lord Advocate have commissioned a report from Andrew Normand on the integration of aims, objectives and targets for the criminal justice system.

New information systems are being introduced to help monitor and act upon any significant **variations in decision making**. However, we need to reach the right balance between consistency and standardisation. The independence of courts from the Executive is of course fundamental. To an extent, variations in decisions will reflect genuine variations in local circumstances as well as the independence of sentencers.

With a broad range of community sentences in place across the country, we are now embarking on work to develop more **community programmes**, including those for young offenders. The national priorities set for Criminal Justice Social Work identified young offenders as a priority group. Many (though not all) areas of the country now have access to specialist programmes for young offenders. Investment in programmes for young people who offend will double from £5m in 2002-03 to £10m in 2003-04. This will increase the availability programmes in every local authority area. As the report recognises, we are also setting up the **accreditation panel** to improve the quality of community programmes. The first meeting of the panel is provisionally set for second half of April.

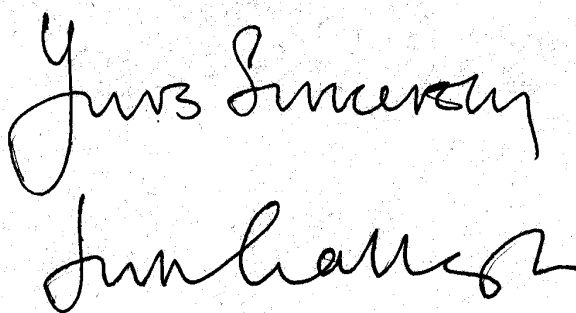
Whether an offender receives a community sentence of **probation or community service** is of course a matter for the discretion of sentencers. The Executive has however a role in providing effective alternatives for the courts and in ensuring courts are informed of the options available in their area. We are undertaking an exercise to provide information to all sentencers on this basis. The pilot youth court will also allow for a more focussed approach to the needs of this group. The static numbers should however be seen in the context of the substantial decline in the number of young people with a charged proved against them.



I am pleased that the report recognises the various strategies which have been developed to reduce the numbers of **young women going to custody**. More does need to be done here. The Criminal Justice Bill, due for Royal Assent in the Spring, includes provisions to help reduce (on a pilot basis initially) the numbers being sent to custody for fine default which of course includes a disproportionate number of women. The Time Out centre in Glasgow will also be a new resource for women in the criminal justice system. Amongst the services it will offer women, it will provide programmes to address offending behaviour.

Finally, on the question of the **balance of spend between processes and services**, I accept the need to get the right balance on these inter-related issues. It is of course important, in a rights based system, that we invest sufficiently in the processes to ensure the decisions made are robust and fully safeguard the rights of accused people. The public also expects us to detect and prosecute offenders effectively. We have however made significant **investment in services** to support the community disposals available to courts over the last ten years and we will continue to invest in new community services.

I hope this will be helpful to the Committee and look forward to the discussion with the Committee.

A handwritten signature in black ink, appearing to read 'J D Gallagher', written in a cursive style.

**J D GALLAGHER**

**AU/03/03/3**

Chief Constable

**David J R Strang QPM BSc MSc**

Police Headquarters

Cornwall Mount

Dumfries

DG1 1PZ

Telephone: (01387) 252112

Fax: (01387) 260501

Rutland Exchange No. 580630

## Dumfries and Galloway Constabulary



Ref. GNS/CC  
Your Ref.

29 January 2003

Mr Andrew Welsh MSP  
Convener  
Audit Committee  
Room 2.6 PHQ  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear

### **DEALING WITH OFFENDING BY YOUNG PEOPLE**

I refer to your letter of 10 January 2003 and am pleased to submit written evidence on behalf of the Association of Chief Police Officers in Scotland.

The Association welcomes the findings of the Audit Scotland report. It is important that young people are dealt with in an efficient, fair and consistent manner across Scotland and the implementation of the report's recommendations should support this.

The impact on the Scottish Police Service will fall predominantly in the following areas:

#### **Police Warnings**

The report recognises that warnings are a useful and quick way of dealing with minor offences, particularly for first-time offenders. Around Scotland there are currently a variety of ways and processes for administering and recording police warnings to juveniles. For example one force may refer all detected juvenile crime to the Reporter, whereas another may refer only a proportion, supplemented by informal warnings "on the street" for very minor infringements. This also has

consequences for recording crimes and offences and monitoring offending behaviour. The recommendation to establish a standard national system (Recommendation 2) is in accord with the Scottish Executive's Ten-Point-Plan to tackle youth crime, which was published last June.

To that end, we have begun the process by recognising this need and by adopting the principle of restorative justice (RJ) nationally, as the basis for delivering warnings. There is still a great deal of work to do in developing nationally agreed standards, recording processes, warning criteria and operational guidance, but the Scottish Executive's ongoing funding of RJ underlines the confidence that Ministers and the Executive have in the approach we have taken. The national lead officer in this regard is Assistant Chief Constable Norma Graham, Central Scotland Police, on behalf of the General Policing Standing Committee.

### **Time Standards for Referring Young People**

The comments on the 80% target for submission of referrals to the Reporter within 14 days underline a definite weakness in the current system. The inconsistency across forces in the respective timescales achieved is closely related to the issue of standardised warnings and to the proportion of young offenders who are referred by a force to the Reporter.

As well as the proportion referred, actual reporting mechanisms vary, from telephone calls to abbreviated reports to full standard police reports. Depending on the exact process, cases of multiple accused can also lead to further delays. As we develop a standardised juvenile warning system, we will obviously consider ways to minimise the bureaucracy associated with the referral process.

There are currently ongoing projects to consider how we deal with minor and trivial offenders, which may modify this position. This may be particularly relevant, considering that the recently published Scottish Executive National Standards for Scotland's Youth Justice Services makes various recommendations which will affect all relevant agencies and these standards will need to be considered in developing our own procedures.

The potential for the onus for decisions regarding prosecution and diversion to be made more often by the police, to avoid the further delay involved in referral to the Reporter or to the Procurator Fiscal, is also the subject of debate by the ongoing Review of Summary Justice, chaired by Sheriff Principal McInnes.

For example, it should be noted that the report recommends that referrals should be made within 10 days. As the current targets present difficulties for forces, it follows that the new timescales will present a real challenge for the police service. The ongoing work to standardise procedures will assist in addressing this.

The monitoring of standards is currently carried out by the Time Interval Working Group, on which ACPOS is represented, also by ACC Graham.

### **Data Sharing and Collection**

The issues of police warnings and reporting procedures are inextricably linked to how we record warnings and referrals, and how this information is shared and used. For example, if a child is given a

“street” warning, this will be recorded only in an officer’s notebook, whereas a referral to the Reporter, either by means of abbreviated or full police report, will be recorded by the Reporter.

Again, our consideration of a national warning system will take into account recording procedures, both local and national.

### **Multi-Agency Working**

All forces are represented to some extent on multi-agency Youth Justice Strategy Groups and operational Youth Justice Services Teams. This involvement varies at both strategic and operational levels; some examples of good practice are the involvement of Chief Officers on the strategic group and the secondment of police officers to the operational teams.

We agree that there must be common national performance indicators to assess the performance of multi-agency teams and, again, accurate and relevant information sharing will be vital to this process.

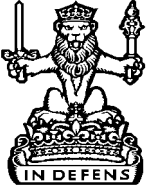
Overall, ACPOS appreciates that youth justice, to be effective, depends on a swift referral system and that this is not the case across the board at present. It is accepted that young people receive different treatment in different parts of Scotland, due to the variety of warning and reporting methods employed by forces.

We have therefore begun the process of addressing standardisation across the country, drawing on the recommendations in the various published reports and good practice which is established already.

I trust this is of assistance to you.

Yours sincerely

Chief Constable



ol t k ccf b^k a mol r o^ql o=efp^ i ppos f b

oç ÄÉã d ç ÊÇç á ñ \_  
 ÛÄÑñÉÄ íá É

êç i á ñ ÄÉ  
 OR Û ä ÄÉ pi é Éí  
 bÇä Äi êÜ be N N ^

Andrew Welsh MSP  
 Convener  
 Audit Committee  
 The Scottish Parliament  
 EDINBURGH  
 EH99 1SP

qÉÉé Üç á É WNP N-QP -OTMS  
 c~ñ WNP N-COR-T QP  
 mpL l ncp] éÄç íä-äÇKÖäÖç i K á  
 Üíé W i i Äç i äç WÄKÖç i K á

vç i é ÄÉ W  
 l i é ÄÉ Wopd\_Lg^

OV-g-ài ~ó-CMP

Dear Mr Welsh

Thank you for the invitation to provide a statement from Crown Office and the Procurator Fiscal Service (COPFS) ahead of our appearance before your Committee to give evidence as part of your enquiry into the report “Dealing with Offending by Young People”.

We welcome the report. We believe it contributes usefully to the work underway in many areas to improve the system of youth justice in Scotland.

COPFS is essentially an operational Department but we work closely with other SE Departments in the development and implementation of policy in this area. We support the view, taken by the Education and Justice Departments, of the current developments in youth justice in their evidence to you. We are committed to working with colleagues in those departments and with our criminal justice partners and to improve the effectiveness of the system of youth justice.

Our performance in relation to decision-making is recorded in the report. We have a target of taking and implementing decisions in 80% of cases received within 7 weeks. The report shows that this target is easily exceeded with 80% of reports marked within 20 days of receipt.

In relation to variations in decision-making, we are alive to any significant variations in numbers and percentages across the country, while recognising that we are seeking consistency rather than standardisation. Variations will be a reflection of many factors, including variations of patterns of offending in different areas and the different police reporting practices across the country. However, we will continue to monitor the position as part of our current far reaching programme of reform and renewal of COPFS. For instance our new area management structure introduced last autumn and better information systems offer improved opportunity to ensure that consistency of approach is achieved.



INVESTOR IN PEOPLE

^ a Éé ~äã Éái-ç NÜE-pÄç íäÜbñÉÄ íá É

In a wider context, we are happy to be involved in contributing to the delivery of the aims of the Scottish Executive Youth Justice 10 Point Action Plan, in particular piloting of youth courts with fast tracking for young offenders and the development of a system for warnings and restorative cautions.

Norman McFadyen (Crown Agent Designate) and I look forward to the discussion with the Committee on 4 February.

Yours sincerely



**ROBERT GORDON**



INVESTOR IN PEOPLE