

# **Scottish Covid-19 Inquiry**

## **Witness Statement**

Statement of **CAIRNEY/John**

### **Introduction**

1. My name is John Cairney, and my date of birth is the **Personal Data** My details are known to The Inquiry. I am employed as a Residential Officer at Barlinnie Prison for the Scottish Prison Service (SPS) which I have done for 22 years. I have however been elected as the Prison Officer Association Scotland's (POAS) National Committee Chairman for the next three years which is a full-time post based in Alloa. Along with my colleagues on the Scottish National Committee I represent our members across the SPS, deal with Prison policy changes and general trade unionism. I was the Scottish National Committees lead on COVID during the pandemic. I provide this statement in my capacity as National Committee Chairman of the POAS.
2. On the 12<sup>th</sup> of January 2024 I met with witness statement takers from the Scottish COVID-19 Inquiry team, and I am happy to provide a statement about the experiences of my members during the pandemic.
3. I have signed the consent form provided. I am happy for my information to be contained within reports and published. I would provide evidence at any hearing if required. I have commitments during much of June. However, outside of these dates, I would appreciate as much notice as possible.

### **Who we Represent**

4. The Prison Officers Association Scotland (POAS) represent Prison Officers and Psychiatric Workers. The Prison Officers group consists mostly of

uniform operational staff and over 90% of our potential members are union members. Our membership within the Scottish Prison estate work covers all areas including, Residential, Industries, Prison Programmes, Night Shift, Reception, Gate and Visit staff. There are thirteen prisons across the estate and two community hubs with HMP Kilmarnock coming back into the public sector in March 2024.

5. We also have the largest union membership at the State Hospital Carstairs, however for this paper we will focus on the Prison estate as this was where our involvement was.
6. In Scotland we have a membership of approximately 3,700 which, as mentioned above, represents over 90% of our potential membership. We are also part of the larger Prison Officers Association which covers all the United Kingdom with a membership of approx. 35,000. The majority (approximately 60%) of prison officers are male.

### **Prisons in Scotland Dealing with COVID-19**

7. The role of a Scottish prison officer is unique. Prison officers work in some of the most challenging, volatile and violent conditions in Scotland. They work in a prison setting that must be staffed twenty-four hours a day, seven days a week. Therefore, the Pandemic resulted in prison officers having to work in an even more difficult and stressful environment during the pandemic-
8. During this challenging time our membership still had to deal with the usual daily pressures including, but not limited to violence (inflicted on staff by inmates and inmates on other inmates), self-harm, suicide, drugs, threats from prisoners, together with providing the basic needs of the prisoner population including meals, supervising the administering of medication, facilities to shower etc. When you add in the fear of contracting this virus and the fear of taking it home to children, partners,

parents etc, all because you just doing your job, you can only imagine the stress that this added to our membership.

9. However, with the emerging threat of COVID-19, along with the current daily pressures outlined above, our members now had to deal with the risk of a virus which had the possibility of spreading rapidly throughout the prisoner population. Many prisoners are susceptible to contracting diseases due to their immune systems being weakened by certain lifestyle choices, drug use and general bad health. This resulted in some prisoners being clinically vulnerable and at higher risk of serious illness from COVID-19 with the possibility of the virus spreading faster. This danger was immediately recognised by the membership and concern for members families, friends, colleagues as well as the prisoner population was a major concern amongst everyone.
10. Like most, we were dealing with a pandemic which nobody understood with unknown impacts.
11. At the outset of the COVID-19 pandemic it quickly became apparent that there was no contingency plan in place for how to deal with this emergency. The SPS along with the Trade Union's set up a NCRG (National COVID Recovery Group) which had to navigate their own way through the pandemic at the early stages and were reliant on the information coming from Health Protection Scotland and the Scottish Government. However, there was no specific information which applied to a prison setting or any other direction during the very early stages of the pandemic. This lack of information/direction had a significant impact on our members when carrying out their duties because they had a fear for their own health and the health of their loved ones.
12. Members felt particularly vulnerable, being exposed to the virus while attending their workplace on a daily basis which meant this was an extremely daunting time for them. We would point out that there was a fantastic collaborative approach within the organisation, working at both

national and local levels, with the NCRG and Local Coronavirus Response Group (LCRG) made up of all levels of the organisation. There is no doubt that this work contributed to keeping both staff and prisoners safe at a time of panic. The fact that the death toll within Scottish prisons was a fraction of what was anticipated, and much lower than other organisations is testament/proof of that being the case. There were natural bumps along the way but in all, it was a successful collaborative workstream.

13. It is also important to point out that in the main prisoners complied with guidelines and behaved in an exemplary manner. They understood the reasons for the restrictions and changes, and co-operated, along with our members, to ensure the safety of all.

#### **PPE**

14. In the early stages of the pandemic, whilst COVID-19 was in circulation, prison officers and the prisoner population did not have PPE. There were no masks provided, in fact the information being received was that our members did not need to wear masks. This decision was quickly challenged by the NCRG; however, it took a number of months for the health advice to become that masks were indeed required. During these initial months there was confusion amongst members as there was no clear guidance as to whether they should be wearing masks, nor what type of mask to wear with the differing levels of COVID-19 exposure within the prisons. The initial guidance was the keeping a two-metre distance would suffice (which in practice was not always practicable).
15. Given the close quarters, close contact, and enclosed environment of a prison and the requirement that staff were still required to search prisoners to keep prisoners safe, all members were therefore at an increased risk of infection with no protection at all during these initial months. This impacted staff by way of significantly increased stresses, they had genuine concerns for their health and safety. The staff were



expressing their concerns by going through the Local Branch Committee who were feeding into the National Committee.

16. When protections were eventually introduced, staff were provided with surgical masks and e-learning training on their use. Prisoners in some prisons were provided with surgical masks (without any training) and on occasion out of date face masks, and in other prisons they were not considered necessary. Sometimes, prisoners simply had on very basic cloth face coverings or pulled t-shirts or jumpers over their noses. The fact that prisoners had inferior masks in our opinion impacted on prison officer safety. If both prison officers and prisoners had appropriate masks and training the protection to both would have been greatly enhanced. Resourcing of masks was becoming a financial/cost issue because of the extensive usage. Further risk was introduced when guidance the NCRG were provided with stated that prisoners did not have to wear face masks when they were within their "family bubbles". The SPS always provided what was required in terms of the guidance; the concerns is and was that the guidance was not always sufficient to adequately protect our members.

### **Social Distancing and Prison Design**

17. Social distancing was an issue, particularly within Victorian era-built prisons as there simply was not the room to comply with the two-metre distancing rule which was required at the time; it was just not practical or possible. The size of prison landing etc in Victorian prisons is much smaller than in modern prisons.
18. Some of our members were frustrated by this because they felt that they were not being provided with the same protection that was being provided out with prisons settings in respect of key/emergency workers. This problem in addition to the issue with face masks left our members feeling exposed during this challenging time for them.

19. Individual prison design was a key factor in the recovery from COVID-19 pandemic, and different establishments managed this more easily than others. When “social bubbles” were implemented, some establishments found this easier than others to manage because the residential halls in prisons differ. Some prisons have sections with grill gates at the end of them which enabled the easier management of these bubbles compared to traditional Victorian style prison which do not have these grill gates, making it more challenging to manage this situation. To illustrate, a typical ‘bubble’ in a modern prison would be 30 or so; in Victorian prisons a typical bubble may be up to 80 prisoners.

### **Shielding**

20. Like all workplaces, the SPS had staff who were advised to shield to protect themselves and/or to protect loved ones. It took a period of time for all these staff to be informed by the NHS that they met the criteria for shielding and the staff gave the SPS the letters. In that interim period, they were required to work because they did not have any exemption status. There was therefore a six-week window from when COVID commenced before it was recognised that certain staff who needed to shield were identified and allowed to shield, exposing them to period of significant risk given officers cannot work from home, as non-operational prison staff can, they were simply asked to stay off work.

21. It is the opinion of our Union that the delay in shielding caused staff serious levels of stress and risk, and they were genuinely worried for themselves or their vulnerable family members, some of whom they had caring responsibilities for. For example, this included staff with COPD, or staff with vulnerable family members receiving cancer treatment.

### **Covid Positive Areas**

22. Each prison at the start of the pandemic established a COVID area. This segregated those prisoners who had contracted the virus. Certain prison officers were rostered to look after them. Public Health Scotland and Health Protection Scotland decided that appropriate PPE was a sleeveless plastic apron, a respirator mask and paper suit. Staff and ourselves as a union were not satisfied that it was appropriate PPE for them, but this is what the experts were advising, therefore we had to comply.

### **Mental health/Counselling services for staff.**

23. The SPS in fairness to them set up a SharePoint page called Spare Room. A support network was put up for staff and they had employee assistance programmes and there was access to NHS Inform.

### **Health and Safety Impacts**

24. It is standard procedure to have prison staff receive refresher training in control and restraint techniques. This quickly became difficult due to the two-metre social distancing guidance. The control and restraint refresher training requires close proximity and direct contact with other persons which was contrary to the social distancing guidance at the time, resulting in this training having to be postponed. Whilst this decision was taken to safeguard against the transmission of COVID-19, this resulted in a concern that some staff were not receiving updated training in control and restraint techniques, making them more liable to a risk of being injured should there be an incident in the prison.
25. This type of training was postponed for an entire year which meant that the SPS had to increase each staff member's time period for refresher training from one year to two years to ensure that legally staff were covered if they participated in a control and restraint removal. As COVID-

19 restrictions began to ease, staff were still naturally worried about returning to this training, so we had to ensure proper risk assessments and safe system of work were carried out prior to training, which included staff members having to take a lateral flow test prior to beginning training.

26. This caused additional stress for our members, however we had to ensure they were legally protected in carrying out control and restraint techniques. The decision was made not to postpone the control/restraint refresher training for a further year (which would have been a total of three years) on the basis that this could have led to staff requiring full training rather than only requiring refresher training.

### **Impact of Lockdowns**

27. The changes that had to be made when entering lockdown were easier because prisoners and staff understood how serious the pandemic was. The impacts on people were tough, however they were all necessary measures to try to keep people as safe as possible.
28. As we came out of lockdowns it caused more issues, for example, prisons were being aligned with the hospitality sector in terms of restrictions as we eased out of lockdowns, and as the general population were allowed to eat together in restaurants, prisoners were allowed to eat together. This caused friction/ill-feeling because our members were still not allowed to do so in the workplace. The membership was of the opinion that if they should have been aligned to any other sector it should have been care homes, as opposed to the hospitality sector. At this stage, when prisoners were allowed to eat together, the members were prevented from doing similar which was particularly difficult for them.

### **Impact of Staff absences**

29. At one point the membership was impacted by approximately 25% of staff either being off sick or shielding. In practice this did not cause a problem for resources because as part of measures the prison service changed from the existing early/back/night shift rota to one where the majority of staff were in for a core day (which was 08:00-18:00) with skeleton patrol thereafter. This meant that despite staff absences there were enough staff to cover the new shift system.
30. At first staff were willing to accommodate this temporary change to their attendance pattern. However, as we were trying to exit lockdowns changes back to the traditional attendance patterns did not happen quickly enough with SPS management stating the high sick rate as a reason for them being unable to revert back sooner. It was noted that some staff liked the new shift pattern because they could work four x 12-hour shifts and have three days of rest. On the other hand, some staff hated it because they preferred the previous shifts, and found the long days meant it was more difficult to deal with domestic matters, such as getting shopping in etc at the end of the day.
31. Management preferred the new shift pattern because it reduced staffing/costs (they saved millions of pounds due to not having to pay ex-gratia/overtime) but it did impact on prisoner out of cell time etc. The agreement between management and staff at the outset, when the attendance patterns were changed, was that it was only temporary. As a union, we were always looking to return to our traditional attendance patterns which we have, in all but one establishment where this continues with local agreement.

### **National COVID Recovery Group (NCRG)**

32. All decisions made during COVID were extensively logged by the NCRG. The NCRG was made up of the chair Allister Purdie Director of operations,

his immediate team, head of procurement, head of IT, NHS partners and trade union representatives.

33. We met every day at 10am for two hours. The meetings were well audited there are decision logs for everything, and every decision was signed off by the Chief Executive. Prison Rule changes went to ministerial level. We as the union representing staff were listened to.

### **Financial Impacts**

34. There were financial impacts on staff during the pandemic in different ways. The implementation of the new attendance patterns meant that there was next to no available overtime (which is known by our members as 'ex gratia'). Prior to the pandemic, there was always as much overtime as any member wanted to do. Many prison officers ended up financially worse off because over time pre pandemic was so common. Some prison officers may have been used to, or relied upon, this additional source of income in addition to their basic wage.
35. Another impact on members finances was the inability to car share due to social distancing rules. It is not uncommon for prison officers to live some distance from the prison they work in. This can be a 70-mile round trip in some circumstances. These prison officers would car share, for example, five officers would share the same car to work, each taking turns at driving one day. During the pandemic this stopped, and each prison officer had to travel each day individually. Public transport would have been a risk to our members.
36. This had a significant impact on each member's travel-to-work costs and made it more difficult to get to work. This led to huge frustrations amongst our membership because many non-operational staff were able to work from home, something our members could not do. This is still an

issue which is connected with us not being recognised as emergency workers.

### **Prison population.**

37. The prison population would have reduced during in the early stages of the pandemic because there was an Emergency Release Bill to release prisoners. There were very few courts operating, prosecutions were delayed which meant offenders were generally not coming into the prison. We are now dealing with the consequences of that with the prison population increasing again.

### **Long COVID**

38. Some members are living with the effects of Long-COVID, and this has impacted on them both personally and professionally. There are examples of some members leaving the organisation under medical inefficiency due to the fact that they cannot work from home and are unable to carry out certain core training i.e., control & restraint because of the effects of Long COVID. This therefore has a significant financial impact on some members, with some having their employment terminated.

### **Death of Fellow Prison Officer**

39. Sadly, at the beginning of the pandemic, we lost a highly popular colleague, a First Line Manager in HMP and Young Offenders Institution Polmont who died from COVID-19. This had a significant impact on officers, but also on the prisoners themselves. Everyone realised the serious risks to everyone that this virus could cause and how vulnerable they were. As this happened at the outset it helped focus everyone's minds that COVID was everywhere and sadly anyone can succumb to the effects of it.

40. Our colleague's passing caused an issue for the SPS in trying to adhere to Scottish Government guidelines. Ordinarily, when an officer passes away, they are given a guard of honour by the SPS and all the officers pay their respects. Due to lockdown measures in place at the time, the SPS confirmed that this would not be able to take place. This decision caused fury amongst members and following further discussions common sense prevailed and a solution was found that allowed staff to show their respects to this much loved and missed colleague.

### **Childcare Impacts**

41. There was a significant impact on our members when schools and nurseries closed, and any support from other family members/ households for childcare was no longer available due to restrictions in place. The stress this caused our members is immeasurable, especially when both parents worked as prison officers or as operational front-line workers. Unlike most of our non-operational colleagues, our members could not work from home, despite that fact that they were not labelled as being an emergency service.
42. This was particularly difficult for officers who were in a relationship with other operational front-line workers and who were on the same shift pattern, who were simply told that they had to come to work even though they had childcare issues, placing them in an impossible situation.

### **Other Impacts-Recognition as an Emergency Service**

43. One of the key frustrations for prison officers which, was highlighted by the pandemic, is that our members are an Emergency Service but are not formally recognised as such. We believe prison officers are very much key, front-line workers who were looking after a prison population of circa 7,500 prisoners during the pandemic. During the pandemic, neither the



SPS nor the Scottish Government would have been able to safely feed, medicate, or meet Maslow's Hierarchy of Basic Needs for the prisoner population without our members carrying out the workload.

44. The impact on our members was that they felt invisible, feeling that their work was not seen, recognised, or appreciated at Government Level. These impacts manifest themselves in a number of ways, predominantly by members questioning Government decisions to make their retirement age 67 (compared with emergency workers retirement age of 60). This issue was particularly relevant during the pandemic because it was apparent to our members that without them the prison system would have collapsed. The work of other key, critical workers and emergency workers was, quite rightly, recognised, and applauded, but prison officers were not. It was not recognised that our members were also working very closely with those in their care and doing so in a closed environment with high levels of exposure to COVID-19.
45. In addition, at the time when key workers were allowed into supermarkets early as a reward for keeping the country functioning, our members, who also worked full shift patterns to ensure that prisons were provided with 24 hours coverage, were not afforded a similar opportunity. Our members felt this as was a slap in the face; they were frankly putting their own and their families' lives at risk and were not being recognised, which was frustrating.

**How did the pandemic impact workers leaving or entering the profession?**

46. There was a massive impact on those newly recruited as prison officers during the pandemic. These officers came into the profession, and due to the changes in normal procedure they did not during certain periods experience many of the usual routines and practices within the prison, for example visitation and contract escorts etc.

### **Staff Training/Staff Career Progression?**

47. Career progression was impacted for some officers. It is not uncommon for staff to carry out a period of 'acting up' prior to being formally promoted. Given the priority of getting through the pandemic many were left acting-up for significant periods of time.

### **Disproportionate Impact**

48. Prison officers, as operational staff, were disproportionately impacted when compared to most non-operational staff within the prison service who were, and remain, able to work from home.
49. Since the virus struck there have been changes and additions to the SPS and Scottish Government policies, the most notable of which being the right of certain non-operation staff to continue to work from home. Our operational members cannot which is a significant source of frustration for them.

### **Impact on the Prison Officers Association Scotland.**

50. Our union representatives at local level lived under immense pressure during the pandemic. They were receiving significant volumes of questions and concerns directly from members. It was a stressful time at local level.
51. Everyone worked through it though and gave their all for their membership, and they did not walk away. It galvanised the attention to health and safety matters in the workplace. It made us into a stronger collective between local and national level.

### **Lessons to be Learned.**

- 52. In relation to prisons, there are contingency plans for many eventualities but, as was common across the country, there was nothing for COVID or any mass pandemic. We were reacting to a wholly novel situation without a plan and trying to implement government and health service guidance which tended to be not to be particularly conducive to the unique nature of prisons.
- 53. Different prison designs impacted greatly on the ability to adapt and cope with the pandemic. Any investment in the prison estate should have a design contingency for this and for implementing infection control as and when required.

**Hopes for The Inquiry**

- 54. Genuine recognition that our members worked in a complex, challenging and dangerous environment and were truly on the front line at great personal risk; and that they were flexible, adaptable and entirely committed to getting everyone through one of the most difficult times in recent history.
- 55. Genuine recognition for our members as emergency workers.

Signed .....

Date .....