

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: UPDATE ON THE PUBLIC SERVICES REFORM (INSPECTION AND MONITORING OF PRISONS) (SCOTLAND) ORDER 2015
From: HEAD OF DEMOCRATIC AND LEGAL SERVICES		
Date: 07 April 2015	Ref: LD/MR	

1. Purpose of Report

On 28 January 2015 the Scottish Ministers made the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 ("the Order") which will come into force on 31 August 2015.

2. Background

The Committee, at its meeting on 6 November 2014, following consideration of a report by the Head of Democratic and Legal Services regarding a further consultation by the Scottish Government in relation to the proposed draft Order, (1) endorsed the response to the consultation questionnaire, as set out in the report, and (2) homologated the action taken by the Executive Director of Corporate Services, following consultation with the Convener, in submitting the completed questionnaire to the Scottish Government.

3. The Effect of the Order

- 3.1. The Order amends the Prisons (Scotland) Act 1989 and the Prisons and Young Offenders Institutions (Scotland) Rules 2011.
- 3.2. The Order (1) clarifies the functions of Her Majesty's Chief Inspector of Prisons and confers further functions on that office; (2) creates the roles of prison monitoring co-ordinator and independent prison monitor, transfers functions of prison visiting committees to those roles and confers further functions on them, and (3) abolishes prison visiting committees; the functions of prison visiting committees having been transferred to prison monitoring co-ordinators and independent prison monitors.
- 3.3. The Order makes a number of modifications to the 1989 Act which abolish visiting committees and are in consequence of the introduction of the new regime of independent prison monitoring.
- 3.4. The Order makes a number of incidental and transitional provisions which continue the powers of visiting committees until 30 November 2015 so as to ensure that ongoing enquiries, investigations and complaints can be finalised.

4. Implications for the Council

With effect from 31 August 2015, the role of the Council in appointing members to Shotts, Addiewell and Barlinnie visiting committees, and in providing the Secretariat to Shotts Prison visiting committee, will be removed.

5. **Recommendation**

It is recommended that the Committee note the position.

A handwritten signature in black ink, appearing to read 'Lesley Deverick', written in a cursive style.

Head of Democratic and Legal Services

Members seeking further information on the contents of this report are asked to contact Lesley Deverick on extension 2434.