

## REPORT

To: CORPORATE SERVICES COMMITTEE	Subject: INDEPENDENT MONITORING OF PRISONS: SCOTTISH GOVERNMENT CONSULTATION	
From: HEAD OF CENTRAL SERVICES		
Date: 16 January 2012	Ref: JAF/IL	

### 1. Purpose of Report

- 1.1 The report advises the Committee of developments following the conclusion of the Scottish Government Consultation on Independent Monitoring of Prisons.

### 2. Background

- 2.1 Independent monitoring of prisons in Scotland is currently undertaken by Prison Visiting Committees made up of unpaid volunteers. Those Committees monitor conditions in prisons and hear and investigate requests and complaints made by prisoners. Responsibility for making appointments to Prison Visiting Committees rests with local authorities and Prison Visiting Committee members include both Councillors and other volunteers selected by the relevant local authority.

- 2.2 Between 14 January and 25 February 2011 the Scottish Government undertook a consultation on the independent monitoring of prisons and the analysis report published by the Scottish Government in December 2011 records that 60 responses to that consultation were received. Respondents included individual Prison Visiting Committees, Visiting Committee members, local authorities, Community Justice Authorities and other third party organisations with an interest in the independent monitoring of prisons. Of the respondents, 98% agreed that the role of the Visiting Committee should complement that of Her Majesty's Inspectorate of Prisons; 97% of respondents agreed that Visiting Committees should be developed as envisaged by the 2005 review of Prison Visiting Committees and re-established as Independent Monitoring Board; and 96% of respondents rejected the idea of integrating the functions of Visiting Committees with those of Her Majesty's Inspectorate of Prisons – and, by extension, rejected the abolition of Prison Visiting Committees.

### 3. North Lanarkshire Council's Submission

- 3.1 The consultation document was considered by the Committee at its meeting on 10 February 2011. Following consideration the Committee agreed that North Lanarkshire Council should respond to the consultation to indicate

- that the monitoring role of Visiting Committees for Scottish penal establishments continues to be required to complement the scrutiny role of Her Majesty's Inspectorate of Prisons;
- that those monitoring functions should not be integrated into the functions of Her Majesty's Inspectorate of Prisons;

and

- that before taking any action to change the status of, and arrangements for appointing members to, Prison Visiting Committees, the recommendations of the 2005 review should be re-visited in light of subsequent developments.

#### 4. Further Developments

- 4.1 An analysis of consultation responses was published on the Scottish Government website in December 2011 and includes the following paragraph

“Overall, the responses indicated that the current system for the independent monitoring of prisons is not as effective and efficient as it could be. The points highlighted during the process have been noted by Ministers and the Scottish Government will consider the best way forward to reform the existing arrangements to ensure the best outcome”.

- 4.2 No further information is contained on the Scottish Government website and North Lanarkshire Council has not been advised of the outcome of the consultation.
- 4.3 The Association of Prison Visiting Committees for Scottish Penal Establishments has, however, provided the Council with a copy of a letter of 5 December 2011 from the Cabinet Secretary for Justice. In that letter the Cabinet Secretary advises of the outcome of the Consultation on the Independent Monitoring of Prisons – and of his conclusion that the evidence supports his decision that the time is now right to replace the current function of the Visiting Committees with a dedicated independent prisoner advocacy service to be delivered by a consortium of third sector organisations.
- 4.4 Following the issue of that letter, the Cabinet Secretary met with a number of representatives of the Association of Prison Visiting Committees and, following that meeting, on 16 December 2011 the Convener of the Association of Prison Visiting Committees wrote to the Cabinet Secretary. A copy of that letter is attached as the appendix to this report. The Convener of the Association of Prison Visiting Committees has written, also, to all members of the Scottish Parliament and to the Leaders and Chief Executives of all Scottish Councils, including North Lanarkshire Council, seeking support to have the decision to abolish Prison Visiting Committees reversed.

#### 5. Recommendation

- 5.1 It is recommended that the Committee note the position and, in light of the Council's response to the consultation exercise and the subsequent developments, determine if the Council should, at this time, take further action.

*J. O. Fleming*  
**Head of Central Services**

*Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.*

Cabinet Secretary for Justice  
Kenny MacAskill MSP

T: 0845 774 1741  
E: scottish.ministers@scotland.gsi.gov.uk



 DELIVERING  
A GAMES LEGACY FOR SCOTLAND

5 December 2011

Dear Colleague

I am writing to you to inform you of the outcome of the consultation on independent monitoring of prisons and have attached a copy of the Analysis Report for your information.

I would firstly like to thank you for your hard work and dedication in the role you carry out as a volunteer, I appreciate the time, effort and commitment that you have brought to your role. I place a high personal value on the role that is played by those who make the commitment to volunteer in the pursuit of public service. I appreciate this has been an uncertain time for you as you waited for the outcome of the recent consultation. I thank you for your patience in this regard and I am pleased that I can now confirm the decision I have made and the thinking behind that decision.

I am sure that you will share my view that it is crucial that prisoners have the right to an independent service to raise issues they have regarding their treatment and rehabilitation, and also to be confident that these issues are dealt with effectively. I have carefully considered and balanced the wide range of views expressed in the consultation and have concluded that the evidence supports my decision that the time is now right to replace the current function of the Visiting Committees to reflect the changing environment in which we operate.

The current service will be replaced by a dedicated independent prisoner advocacy service which will be delivered by a consortium of third sector organisations across the whole prison estate. I am committed to continually improving our public sector and ensuring it operates to maximum efficiency and this change is one part of a wider set of reforms, including moving to a single Police Service, and a single Fire and Rescue Service, as well as other changes to rationalise the number of public bodies and simplify the landscape. This new service will support prisoners who may otherwise have difficulty using established routes to access mainstream services, with the aim of improving prisoner links with the community.

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.scotland.gov.uk](http://www.scotland.gov.uk)



Visiting Committees were established in the 19<sup>th</sup> Century when prisoner care was significantly different from the current day. Over this time the prison landscape has changed and it is right that the support for prisoners should do so too. Prisons today are more accountable, transparent and open than when the Visiting Committees were first set up. HM Chief Inspector of Prisons carries out routine inspections, announced and unannounced follow up inspections and provides a detailed report with recommendations. There is also a wide range of service providers who regularly visit and work in prisons who deal with prisoners on a regular basis. The skills set for the advocacy service will require the provider to have a local knowledge of working with offenders and will require them to support prisoners in improving communication with families; literacy issues; referrals in and out of prison; establish links with the local community and prisoners returning to communities. Service providers will have both advocacy experience and qualifications where appropriate. The advocacy service will visit the prison on a regular announced basis. The tendering process for the service will commence early in 2012 and I envisage the new service to be up and running later in the year. Until the new service is in place Visiting Committees will continue to operate as they currently do. My officials will provide updates on proposals and timings as they develop.

In reaching my decision I weighed the evidence from a wide range of sources. The view of prisoners themselves was an important element in reaching that decision. In addition to the formal consultation, my officials facilitated prisoner focus groups, speaking with approximately 150 prisoners from four different prisons. The prisoners involved in the focus groups made it clear that they would be in favour of a dedicated service that they could use to speak to about issues which are of concern to them and which could provide advice and support independent of the Scottish Prison Service. The Analysis report can be found on the Scottish Government website at [www.scotland.gov.uk/Publications/2011/12/01141729/0](http://www.scotland.gov.uk/Publications/2011/12/01141729/0)

Again, I would like to take this opportunity to thank you again for your dedicated work and commitment and I wish you well in any future or continuing role you play in volunteering in the delivery of public service.

*Kenny Macaskill*

**KENNY MACASKILL**