Justic Committee

Public Services Reform (Prison Visiting Committees) (Scotland) Order 2014

Written submission from Donald Gibson

1. As a member of the Dumfries Prison Visiting Committee, I wish to comment on the proposals detailed in the Consultation on the Draft Public Services Reform (Prison Visiting Committees) (Scotland) Order 2014. Which for ease of reference, I will refer to as the Draft Order.

2. If the proposal to abolish the VCs goes ahead, some of us (Accredited Prison Visitors) may feel reluctant to apply to be one of the new “Lay Monitors”. This is because we would be uncomfortable reporting to, and being reported on by a paid prison monitor who in turn would be responsible to the Chief Inspector (HMCIPS). In addition, the specific duties laid down for the lay monitors are too complicated and prescriptive. I suspect this will discourage suitable volunteers from coming forward.

3. The Howard League Scotland (HLS) submission dated 18 February 2013 details the most comprehensive (and in my view the best response) to the initial proposals. In their submission, HLS highlights the need for an independent monitoring role to compliment the function of HMCIPS and concludes that “there is a requirement for VCs to continue to carry out their monitoring duties.” I would agree with that position.

4. If the prison monitors are to receive payment, it is essential that the appointment process is carried out in fair and open competition. The explanatory document attached to the Draft Order refers to a “Transparent Process for the appointment of monitors and lay monitors”. However, it does not detail the arrangements for this process. Nor does it detail how much they will be paid. The only reference to payment is that it will be determined by the Chief Inspector who will appoint and evaluate the performance of the monitors. Does that mean the Chief Inspector will have the power to award bonuses, or carry out restoring efficiency measures, or initiate disciplinary action on those who fail to carry out their duties to the required standard?

5. Significantly, HLS, in their submission, doubts whether HMCIPS “has the experience to recruit, select, train and support volunteers”. I would add that I doubt whether they will be given the resources to enable the proper administration of these newly appointed paid monitors and unpaid voluntary lay-monitors. Has this management burden been costed and if so, what are the additional financial implications?

6. The Draft Order does not detail a specific timetable for the introduction of the new system. Will the process be a phased introduction? And, will any new applicants for the monitor and lay-monitor posts need to undergo the enhanced vetting procedures provided by Disclosure Scotland - which is as you will be aware, a current requirement for the appointment of VCs?
7. **In conclusion**, in these difficult financial times, it makes no sense to dramatically change a system that is cost-effective and working successfully. I believe therefore that VC members are **carrying out a valuable role on behalf of society and must continue to remain independent**.

Donald Gibson
6 November 2013