Justice Committee

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

Written submission from Glenochil Visiting Committee

The Glenochil Visiting Committee (‘GVC’) welcomes this opportunity to comment on the proposed changes. At the outset the GVC wishes to make clear that it understands the need for reform in this area and that it is supportive of the plans outlined in the draft legislation. It would also like to stress that the GVC is only concerned to ensure that the new proposals can be successfully translated into a workable scheme that ensures Scotland’s continued compliance with OPCAT and improves the effective monitoring of Scotland’s prisons. Our comments set out below should be interpreted accordingly.

In response to the four questions posed by the Justice Committee we have the following comments:-

**Whether or not the proposed changes are a positive step**

The GVC has concluded that the overall direction and focus of the changes outlined are positive. It is appreciated that at this stage it might not be possible to flesh out all the details but on the basis of what we have read we believe it can be moulded in a way that will bring about a step change in the monitoring of prisons. There are, we think, areas which Her Majesty’s Chief Inspector of Prisons Scotland (HMCIP) will need to bear in mind when new responsibilities are addressed and we refer to these below.

**Whether or not the proposed structure of monitoring becoming part of the Chief Inspector’s functions is to be welcomed**

It is evident to the GVC that the risks inherent in combining the inspection and monitoring roles are fully appreciated by the Justice Committee. We think that a proper separation is so fundamental to the success of the proposal that HMCIP is likely to focus very heavily in this area. That said, the system needs not only to function as intended but also to be perceived by the public and by the prison community as being truly independent.

One area that HMCIP should address in formulating plans to staff up its new responsibilities is the tendency to recruit current and former SPS employees. GVC thinks it is vital to employ in the monitoring function employees/volunteers from all walks of life. Unless this is achieved we are fearful that the monitors run the risk of being seen as an extension of the SPS.

It occurs to the GVC that this is the opportunity for HMIP to demonstrate its full independence from the Prison Service.
Whether or not the roles of the prison monitors and lay monitors are required and if so whether the roles are appropriately drawn

This question cannot be responded to fully without more detail but upon the assumption that the HMCIP will want to implement a fully effective and efficient scheme we have concluded that the proposals are workable.

It appears self-evident that reliance will still be placed upon a substantial cadre of volunteers and thought will have to be given to ensure that the conditions attract the right people. The Inspector clearly needs to have full discretion as to where to deploy his volunteer force but, for example, it might be fanciful to expect that such individuals will be willing to be “assigned to all prisons in Scotland” We therefore expect that the Inspector will largely follow the existing arrangements whereby volunteers are assigned to individual prisons where they can better develop familiarity with staff, practises and systems in those locations.

To ensure adequate coverage the legislation might usefully stipulate the expected number of lay monitors required. We would also welcome more clarity with regard to the handling of prisoners’ complaints and plans for resolving issues at local level.

Prison Staff are currently within the responsibilities of the VC – are these individuals to be covered under the new scheme?

Any other comments

The current system has served Scotland well and a body of significant expertise and experience exists which, if tapped into, can be inherited by HMCIP and used to materially advance progress under the new scheme. Against a background of some hostility to the planned proposals HMCIP needs, we believe, to devise plans to capture this expertise before it is dispersed and lost.

In the same vein, HMCIP will need to address the transitional phase and not merely press ahead on the assumption that all VCs will necessarily stay loyally in post until no longer needed.

At the outset of this response GVC confirmed its support for change. We underscore that statement by offering whatever help we can to ensure that Scotland’s prison community gains from this exercise.

HMP Glenochil Visiting Committee
7 November 2013