Justice Committee

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

Written submission from Families Outside

Families Outside is a national independent charity that works on behalf of children and families affected by imprisonment in Scotland. We do this through provision of a national freephone helpline for families and for the professionals who work with them, as well as through development of policy and practice, delivery of training, and face-to-face support.

Families Outside is grateful for the opportunity to comment on the draft Public Services Reform (Prison Visiting Committees) Order 2014. The most common concern from families affected by imprisonment regards the welfare of prisoners, and we welcome input from independent monitors to ensure this. We are happy to elaborate on any of these comments should the Committee require additional information or specific references.

Are the proposed changes a positive step?

Reform of the current system of Prison Visiting Committees is overdue and has indeed been requested by the Visiting Committees themselves. While such reforms would have benefited from evidence-based research that explored the issues and identified recommendations, the review by the Scottish Government in 2005 and the report by Prof Andrew Coyle in 2013 have rectified the shortfall of information to some extent. The proposed changes are a positive step in that they make the monitoring role compliant with OPCAT; provide a national structure and support to monitors and the monitoring role; and ensure consistency and independence in the appointment of monitors.

In saying this, more clarity would be helpful regarding how the investigation of individual complaints from prisoners complements and/or feeds in to the prison’s own grievance procedures and that of the Public Services Ombudsman. Visiting Committees could assist prisoners in making complaints in the past, but monitors will be able to investigate complaints themselves; has this then created a new and separate system of resolving grievances? What power will monitors have to resolve any issues identified?

We also have concerns about 1) the additional costs required for the new system and 2) whether the Inspectorate will be adequately resourced to support the work of the paid and lay monitors. We do however welcome the more robust and consistent system of monitoring and hope that it does indeed provide a more cost-effective approach in the longer term.

Is the proposed structure of monitoring becoming part of the Chief Inspector’s functions welcome?

Placement of the new system of paid and lay monitors under the auspices of the Chief Inspector of Prisons is welcome, as long as the Inspectorate is adequately resourced to support this. The Inspectorate is a busy team, and responsibility for prison monitors must not detract from this. Rather, a system of adequately managed
and supported monitors, underpinned by training and administrative input, would inform and enhance the work of the Inspectorate and improve the day-to-day operation of Scotland’s prisons.

Further, the valuable work of independent prison monitors will hopefully be strengthened through a national ‘home’ within the office of the Prisons Inspectorate. While some Visiting Committees have produced consistently valuable input, our understanding is that performance varied considerably across the country; placement under a single umbrella should increase consistency and offer support to Committees (and now Monitors) that can otherwise feel isolated, undermined, and undervalued. Through this support, they should be better able to offer their input to ensure the humane running of prisons in Scotland.

**Are the roles of prison monitors and lay monitors required and, if so, are the roles drawn appropriately?**

The role of a monitor is very different from the role of an Inspector, though the roles complement each other. The Inspectorate is not in a position to have regular input into the day-to-day running of a prison, nor is it able to take forward individual concerns and complaints. Equally, monitors are better placed to identify good practice, as they will have a more in-depth view of the types of approaches that work well over time. The roles appear to be drawn appropriately, though these and all the proposed changes should be followed up through evaluation and review.

As an organisation with an interest in families affected by imprisonment, we would also welcome interest from paid and lay monitors in liaising with families of prisoners. Families can be a valuable source of information regarding the operation of prisons and would equally be reassured to meet the monitors who protect the interests of their family member in custody.

We appreciate the opportunity to comment on the draft Order and are happy to provide additional information should the Justice Committee request it.

Professor Nancy Loucks  
Chief Executive  
8 November 2013