Justice Committee

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

Written submission from Iain R Williams

I have been a member of a visiting committee for at least 3 years. I have wide experience of management and governance in the public sector and charities and continue to hold a position with HM Courts and Tribunals Service.

The visiting committee system does not appear to have been functioning as well as it could. The Justice Secretary’s consultation suggests that prisoners are relatively unaware of the existence or role of visitors. It was therefore right that a review should have been undertaken.

There have now been several stages in determining a better way to organise an independent monitoring system as required by international treaties. Professor Coyle gave further advice to the Justice Secretary and the present proposals follow this report.

Throughout the process it has been evident that the Justice Secretary has been reluctant to consider submissions made to him. In part this may well be because many of them came through the Association of Prison Visiting Committees which never seemed to recognise the need to change and fought for its own survival.

The present proposals seem to be an improvement on what has gone before. However, I remain concerned about the degree to which the monitoring process can be independent when monitors will be appointed by and accountable to the Chief Inspector who is himself appointed by the Government.

In the proposed explanatory document, referring to Section 27(1)(b), paragraph 3-16 on page 24 it is stated that the role of lay monitors is "to assist the prison monitors........they must comply with any instructions given by the Chief Inspector and they must take into account any guidance issued by the Chief Inspector". This seems to fall some way short of being an independent voice. Truly independent monitoring would be free of such compulsion to be bound by the orders or wishes of a Government appointee.

If one were to combine the progress made in redesigning the monitoring process with giving the monitoring process true independence would it not be better to bring it under the oversight of a judge or, for example, the privy council rather than the Chief Inspector?

Whatever conclusion is reached I hope you will find it possible to recommend that the independence of the monitoring process is paramount and that further consideration should be given to the means by which this can be achieved.

Iain R Williams
6 November 2013