Justice Committee

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

Written submission from Dumfries Prison Visiting Committee

Whether or not the proposed changes are a positive step.

1. It is to be welcomed that there is now the proposal that there will still be independent volunteers as monitors. However our committee were at a loss to understand the purpose of having both “paid monitors” and “lay monitors”.

2. There is throughout Scotland a dedicated, well trained and experienced volunteer band of “prison visitors”. It seems very short-sighted to lose this expertise and while there are certainly some adjustments that could be made to the present system it would be hard to replace them with paid employees of the Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), which would instantly raise a question as to their independence. The proposal does not make clear what each type of monitor would be responsible for and to whom. The idea of having a hierarchy of “lay monitors” reporting to “paid monitors” reporting to HMIPS is both over complicated and also removes the independence of the existing visitors which is so important to prisoners if they want to make a complaint. It is vital that prisoners know that the lay monitors are not part of either Scottish Prison Service (SPS) or HMIPS but are independent.

3. The proposed reporting of the new proposal leaves a lot to be desired. The ability of the voluntary visitor to make a complaint to the Governor and if not satisfied to the Minister involved cannot be replaced successfully by a “chain” of reporting. The present written reports are also a valuable part of the system both to Visiting Committees and Governors as is the statutory, quarterly committee meetings where the Governor can answer questions and hear concerns.

Whether or not the proposed structure of monitoring becoming part of Her Majesty's Chief Inspector of Prisons Scotland's functions is to be welcomed.

4. Our committee felt that it was not important to whom the monitors would report, be it SPS as at the moment or HMIPS, but it was important that we do not become part of either body's structure. We should remain independent and not be subject to instruction from another body but be there as a monitoring and inspecting unit writing reports so that others can consider what we have said. Whether they accept and act on our reports is up to them and is one of the true tests of independence.

5. It is also, as previously stated, vital that we are not seen by prisoners as tied to and instructed by any other body.
Whether or not the roles of the paid monitors and the lay monitors are required and if so whether the roles are appropriately drawn.

6. The idea that 3 or 4 paid monitors can be plucked out of the labour market pool and quickly trained to carry out the role of the present Visiting Committees might best be described as a pipe dream. Even the Scottish Government seems to be unclear of the roles of the respective bodies. If the voluntary role is also to be downgraded to advising the paid monitors we felt that it would be difficult to recruit suitable people.

7. If there is going to be no input by the Local Authorities, there will be a need for administrative support for the monitors. We agreed that it would be essential to have 3 or 4 paid staff who would be responsible for all administration, setting rotas and most importantly for ensuring that training is the same for the whole country and is not left to volunteers and prison staff. They should also come to quarterly meetings and can be a conduit between the VC and HMIPS without being seen as the “boss”.

Other comments on the Draft Order.

8. Whilst the present proposals go a long way to meeting Prof Coyle’s recommendations there are a number of important gaps in the proposals:-
   - the appointment process and criteria for becoming a monitor and also circumstances for asking a monitor to resign;
   - the number of monitors;
   - frequency of visits;
   - setting up of Committee;
   - producing an annual report on each prison; and
   - provision of access to Ministers to express concerns.

9. There is also no proposal for any body like the Association of Visiting Committees which is useful in gathering concerns and questions from all over the country and bringing it to the attention of Ministers and Her Majesty's Chief Inspector of Prisons for Scotland.

10. There is also the question of cost and source of Funding. The new proposals need not cost much more than the overall cost of existing VCs and the Local Authority contributions. It is essential the paid personnel be limited to 3 or 4 and the Funds should come from the Scottish Government not through HMIPS or SPS.

11. If these matters were addressed our Committee would be in broad support of the new proposals and hope that there is no more thoughts of losing the very valuable asset which you have at the moment namely:- independent, voluntary, well-trained and experienced Prison Visitors.

Dumfries Prison Visiting Committee
7 November 2013