



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

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Dear Cabinet Secretary,

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020

The above SSI has been referred to the Justice Committee for our consideration. I note however from the accompanying documents that it has already come into force on 7 April. Nevertheless, it is important that parliamentary committees continue with their scrutiny function, especially for secondary legislation such as this, given the far-reaching changes it makes to prison rules during this Covid-19 public health emergency.

I should be grateful therefore if you and the Scottish Prison Service would address the questions set out in the Annex to this letter and provide a response to us by Friday 17 April. This will enable members to consider your response before Parliament reconvenes after the Easter recess.

The Justice Committee continues to be supportive of all of the work that the Scottish Government and its various agencies are carrying during this challenging time and remain committed to playing our part.

Best wishes,

Margaret Mitchell MSP
Convener, Justice Committee

ANNEX

1. The SSI states that for the duration of the Coronavirus outbreak, where adequate arrangements cannot reasonably be made for prisoners to bathe or shower every day, then prisoners must be provided with facilities to bathe or shower at least twice per week. However, whilst we recognise that this is still in line with minimum standards and SPS say they will use this rule if necessary, is it not more important during this health crisis to maximise standards of personal hygiene?
2. The Committee recognises that the above rule change only affects prisons where there are no in-cell showers. Looking across the estate, as a percentage, how many prisoners are in cells with access to personal showers and how many will be affected by this rule change? Which prisons will be the most affected? Is it possible in those establishments to alter social distancing rules to still allow prisoners to have access to showers on a more frequent basis?
3. The Committee notes the changes to the rules on access to books, newspapers, work, education etc which allow a governor to curtail or suspend the current provision. Again, whilst understandable with prison visits curtailed and prisoners likely to be in lockdown for long periods, is there more of a reason to make all efforts to have purposeful activity wherever possible? Newspapers are still on sale in shops across Scotland so is there a particular reason why this is a problem in prisons? If hard copy books are deemed to present a risk of passing on the virus have alternatives such as e-books or kindles been considered?
4. The impact of all of the rule changes is likely to have a major impact on the environment within our prisons. What steps are being taken to monitor the mental health and well-being of prison staff and prisoners to minimise stress, sickness and absence rates, increased risk of suicide or self-harm etc?
5. What consultation took place with the NHS, prison staff trade unions etc prior to the laying of this SSI and how will you and the SPS keep the implementation of these rule changes under review and keep the Committee informed of developments?
6. In the absence of prison visits by family and friends, what steps were considered (such as those taken in other jurisdictions such as Catalonia) to increase the number of video/phone calls permitted in lieu of direct family contact?
7. On a prison-by-prison basis, how many staff are absent due to Coronavirus and/or self-isolating and also, how many prisoners?