

Ms Margaret Mitchell MSP
Convener,
Justice Committee
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

19 August 2016

Dear Ms Mitchell

Independent Prison Monitoring in Scotland

In February I wrote to the previous Convener of the Justice Committee to update her about the new system for Independent Prison Monitoring and the formation of the Advisory Group that supports the system. I am now writing to provide a further update to the new Committee.

Since its inception in August 2015, the Advisory Group has met on a quarterly basis to support the new system and provide oversight. As you may know, in addition to a number of experts in the Justice, Health and Human Rights fields, the Advisory Group includes 6 Independent Prison Monitors (IPMs) from across Scotland. I have enclosed the Terms of Reference for your information.

Over 130 volunteers from Scotland's communities are now fully appointed Independent Prison Monitors with around 20 more provisional appointees currently completing training. In the period from the implementation date, 31 August 2015, to March 2016, IPMs completed over 500 monitoring visits to Scotland's prisons. HMIPS received over 400 calls to the Independent Prison Monitoring freephone number from prisoners asking to see an IPM, and IPMs dealt with over 500 prisoner requests.

During this period the Advisory Group has agreed Guidance for the new system and undertaken a risk assessment around key system risks, as well as confirming that the new system is operating as set out in the The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 and is in line with requirements

under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

A process evaluation is underway, examining implementation of the new system and seeking to identify key learning and improvements. Once this evaluation is complete I will provide a copy of the report for your information and interest. More information about Independent Prison Monitoring will also be included in HM Chief Inspector of Prisons for Scotland's Annual Report for 2015-16.

I hope that this information about the new system is useful. If the Committee would like to find out more about Independent Prison Monitoring or the work of the Advisory Group, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dr Alan Mitchell', written in a cursive style.

Dr Alan Mitchell

Chair

Prison Monitoring Advisory Group

Independent Prison Monitoring Advisory Group

Terms of Reference

Background and Context

The new system of Independent Prison Monitoring will come into effect from August 31st 2015 and will operate from the office of Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS).

Prison Monitoring is a new organisational function within Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), as is the role of Prison Monitoring Coordinator. This function is independent of but complementary to Prisons Inspection in terms of ensuring the humane treatment and conditions of prisoners.

The role of the Advisory Group is specified under the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2014. It is an essential role within the Scottish justice system as it ensures the continued independence of Independent Prison Monitors and supports the development of an excellent system of Independent Prison Monitoring.

The Order 2014 (Section 7F) specifies that HMCIPS must establish a Prison Monitoring Advisory Group.

The Advisory Group(AG) members are identified on the basis of their personal attributes and professional expertise. The advisors will play a significant role in future proofing and person proofing the continued success of Independent Monitoring in Scotland. While the AG will support the effectiveness of Independent Prison Monitoring in Scotland, it should be noted that decision making authority for the function remains with the Chief Inspector of Prisons.

Objectives

Independence

The AG provides guardianship of the continued independence of the Prison Monitoring function within HMIPS. This is in accordance with the requirements of the National Preventive Mechanism (NPM). It adds value by challenging assumptions, broadening horizons, guarding against the potential for 'groupthink' within HMIPS and where appropriate makes recommendations for improvement.

Strategic oversight

The AG provides strategic discussion on the current and future challenges of legislative direction at both a national and international level. This includes incorporation of relevant emerging evidence to ensure that prison monitoring continues to be an effective preventive measure in the penal institutions in Scotland. The AG includes expert outsiders who will be active in augmenting the knowledge, understanding and overall thinking of the group and HMCIPS.

Continuous Improvement

The AG will promote professionalism and provide assurance that the routine and regular review of our penal institutions in Scotland is performed by representatives of our civil society. This includes supporting the continuous improvement of conditions, focussing on how prisoners are treated and the quality of life in our prisons.

Function

In fulfilling the objectives set out above, the AG will:

- Regularly review the validity and effectiveness of the Independent Prison Monitoring Guidance Document and other supporting policies.
- Regularly review the validity and effectiveness of the training requirements for the Prison Monitoring Coordinators and the Independent Prison Monitors.
- Understand and identify areas of good practice and provide expert opinion on the effectiveness and impact of Independent Prison Monitoring in Scotland.
- Provide expert advice on relevant emerging legislative direction at a national and international level, evidence based research, and other relevant issues.
- Initiate and review actions for discussion based on the emerging themes from the supporting data provided by the Independent Prison Monitors and potential thematic reviews.
- Provide a forum for discussion of progress and data by prison, by region and nationally.
- Discuss, advise and agree the content, consistency and relevance of the annual reports of Independent Monitoring in Scotland prior to submission to Scottish Ministers.

The Chair

The Advisory Group will be chaired by a selected member of the Group and will be independent of HMCIPS and the Prison Monitoring Coordinators.

The Chair will provide effective leadership to the group. The Chair is responsible for ensuring that the minutes of the meetings and any reports accurately record the decisions taken. Where appropriate the Chair must also ensure that the views of individual members of the group have been taken into account. Once agreed by the Chair, the minutes will be published on HMIPS website as a matter of public record.

The agenda will be constructed by the Group secretariat in consultation with its members and subject the agreement of the Chair. Prior to all meetings, all members will be invited to contribute to the agenda. The secretariat function will be provided by HMIPS.

Members

Members of the Advisory Group are selected for their expertise, even when they are affiliated to specific stakeholder groups. They are appointed as individuals to fulfil their role in the Group and it is expected that in their role as a member they will act in the public interest and in the interest of Scotland's prisoners.

While AG members will serve in a personal capacity, they will draw on their experience as members of their respective organisations, their core skills and knowledge and relevant areas of interest.

In addition to the membership set out in the Order, the membership will include representatives from key fields and/or stakeholder groups that will provide the necessary levels of expertise.

Observers and contributors

Experts, mostly with criminal justice, human rights or an academic background may be invited to meetings or sessions of meetings on an ad-hoc basis to provide opinion information and evidence on specific matters.

Representatives from Scottish Government (as policy owners) on agreement, can attend sessions of the group in an observation capacity.

In all cases, individuals in attendance do not contribute towards the quorum and cannot move, second or vote on any decisions.

Governance

- The Group will meet a minimum of three times a year.
- Members of the Group will receive papers one week before each meeting.
- Minutes of the meeting will be kept by a minutes secretary and approved by the Chair.
- Members may be contacted between meetings for advice should the need arise.
- From time to time sub-groups may be formed to work on specific issues as appropriate.
- From time to time individuals may be co-opted to provide specific advice and expertise as required.
- Membership will be reviewed on an annual cycle to ensure continuity via appraisal by the Chair. Appraisal of the Chair will be undertaken by HMCIPS. New members will be appointed by HMCIPS in agreement with the Chair.

Remuneration

Members of the AG are unpaid for their role in the group. All travel and subsistence will be paid by HMIPS and co-ordinated by the National Prison Monitoring Coordinator.

Membership

Members as specified in the Order:

David Strang, HM Chief Inspector of Prisons

Beth Macmaster, National Prison Monitoring Coordinator

Chris Johnston, Regional Prison Monitoring Coordinator – Area 1 (North)

Kerry Brooks, Regional Prison Monitoring Coordinator – Area 2 (Central)

Chris Collins, Regional Prison Monitoring Coordinator – Area 3 (West)

Independent Prison Monitors:

Fiona Govan, IPM at HMP Greenock. Fiona leads on research, development and training for the Scottish Criminal Cases Review Commission. She was previously involved in supporting the Children's Hearings System as a Panel Member.

Hugh McGloin, IPM at HMP Low Moss. Hugh has considerable experience of monitoring places of detention. In addition to his previous role as a member of the Visiting Committee at HMP Low Moss, he is a member of the the IMB Glasgow, Edinburgh and Larne Board (UK Independent Monitoring Board), monitoring short-term immigration detention facilities. Hugh's background is in the public sector, particularly in learning and education settings. He has served as an Assessor with HMIE.

Muriel Mowat, IPM at HM YOI Polmont. Muriel has particular expertise in development and good practice around independent advocacy in health and social care settings. Her work has included providing training for the implementation of the Social Care (Self-directed

Support) (Scotland) Act 2013 and preparing evidence on advocacy for Parliamentary Committees.

Catherine Mullen, IPM at HMP Grampian. Catherine is an experienced Solicitor who has worked in both private practice and Local Authority settings. She has been involved in a wide range of areas including Education Law, Antisocial Behaviour Law, Social Work Law and Employment Law.

Marilyn Stenhouse, IPM at HMP YOI Cornton Vale. Marilyn is a COSCA-qualified counsellor with many years' experience in the Children's Hearings System, including as a Panel Member, Chair and Trainer. She was involved in the Visiting Committee at Cornton Vale for over 10 years. She is also a Church Elder and Board Member.

Max Zauner, IPM at HMP Barlinnie, is currently studying Law and Criminology at the University of Glasgow. He is involved in the University's Model United Nations scheme, an educational simulation of the United Nations where students learn about diplomacy and international relations.

Additional members:

Alan Mitchell, Chair of the Advisory Group. Alan is a member of the Scottish Human Rights Commission. He has a background in General Medical Practice and is currently Clinical Director of the East Renfrewshire Community Health and Care Partnership. Since 2002 Alan has been engaged as an expert by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Alan was also previously Head of Healthcare within the Scottish Prison Service

David Croft. David was formerly Deputy Director of Prisons for the Scottish Prison Service and formerly the Governor of HMP Edinburgh.

Dan Gunn. Dan was formerly Director of Operations for the Scottish Prison Service. He has 38 years' experience of working in and around prisons. Dan is the Vice Chair of the Scottish Association for the Study of Offending.

Anne Hawkins. Anne was formerly the Director of Glasgow City Community Health Partnership. Anne worked in the NHS for over 35 years and for many years managed Mental Health services. She chaired the National Prison Healthcare Network supporting the transfer of prison healthcare to the NHS.

Jim McManus. Jim currently represents the UK on the European Committee for the Prevention of Torture. He was formerly a Professor of Criminal Justice and Glasgow Caledonian University and previously Chairman of the Parole Board for Scotland.

Richard Sparks. Richard is Professor of Criminology at the University of Edinburgh and Co-Director of the Scottish Centre for Crime and Justice Research. Richard's expertise lies in the sociology of punishment (especially imprisonment); penal politics; public responses to crime and punishment; and the role of criminological knowledge in shaping public policy.

Pete White. Pete is the founder and Chief Executive of Positive Prisons? Positive Futures, a charity which seeks to share lived experience of people in the criminal justice system in order to improve the effectiveness of justice in Scotland.