HMIPS
HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

INDEPENDENT PRISON MONITORING FOR SCOTLAND

GUIDANCE DOCUMENT

npm
national
preventive
mechanism

ABOUT THIS GUIDANCE

The independent prison monitoring system will help Scotland meet its international obligations in terms of preventing torture and inhuman or degrading ill-treatment or punishment and improving the conditions for prisoners.

The aim of this Guidance is to promote consistent and effective independent prison monitoring across Scotland. It explains the laws and procedures that underpin the Independent Prison Monitor (IPM) role, and helps IPMs understand their role and carry out their duties effectively.

This Guidance will be reviewed regularly and updated as necessary, by the Independent Prison Monitoring Advisory Group.

Throughout this document there are hyperlinks that will take you to sections of the HMIPS website, where more detail on specific topics can be found.

(The Hyperlinks appear as blue and underlined text and when you click your mouse on these they take you to the information the links refer to.)

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1.0 THE INDEPENDENT PRISON MONITORING LEGISLATIVE CONTEXT

This section provides an overview of the international and domestic legislation in relation to the monitoring of prisons.

1.1 International Legislation: 'OPCAT' & the National Preventive Mechanism

The international legislation that governs Independent Prison Monitoring is the United Nations 'Optional Protocol to the Convention against torture and other Cruel, Inhuman or Degrading Treatment or Punishment', commonly referred to as OPCAT. States that ratify OPCAT are required to designate a 'National Preventive Mechanism' (NPM) to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment. The UK's NPM consists of 20 organisations covering a range of types of detention, in which HMIPS represents Scotland for the Inspection and Monitoring of Scotland's Prisons.

The prison authorities have an obligation to treat all persons deprived of their liberty with dignity and humanity as required by Article 10 (1) of the Covenant on Civil and Political Rights.

1.2 Scottish Legislation

The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 provides the legislative basis Independent Prison Monitoring in Scotland.

1.3 The 'Prison Rules'

The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (known as the 'Prison Rules') is the Scottish Statutory Instrument that describes the rules, regulations and guidelines by which prisons in Scotland are run.

1.4 The Independent Prison Monitoring Advisory Group

The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 requires that an Advisory Group be formed to:

- Keep the effectiveness of prison monitoring under review;
- Contribute to the preparation of the IPM guidance;
- Keep the guidance under review;
- Keep the training arrangements for independent prison monitors under review;
- Make recommendations for improvement in respect of any of these matters.

The Advisory Group consists of a range of experts with experience and knowledge of the Scottish prison system and the needs of prisoners, and they meet on a quarterly basis to exercise the group's duties, facilitated by staff from HMIPS.

2.0 MONITORING PRISONS IN SCOTLAND

2.1 What is meant by 'monitoring prisons in Scotland'?

Monitoring describes the process of visiting Scottish Prisons regularly to examine all aspects of detention. These include:

- The living conditions and treatment of any person imprisoned
- The regime of the prison (e.g. - activities, work, education, etc.)
- The access to medical care and services whilst in prison and that is provided by the National Health Service (NHS)
- The organisation and management of prisoners and personnel
- The quality of relationships between the prisoners and the SPS, and other relevant agencies.

2.2 The Importance of Monitoring

Monitoring of prisons in Scotland is absolutely necessary as a preventive measure. At all times and in all places, persons imprisoned are vulnerable and are potentially at risk of being mistreated or even tortured. This means that they must be afforded enhanced protection by monitoring their conditions of detention and treatment. For example:

- Depriving a person of his or her liberty is a serious coercive act by the State, with inherent risks of human rights abuses;

- Through the loss of liberty, the prisoner can come to depend almost entirely on the prison authorities and public officials to guarantee his or her protection, rights, and means of existence;

- The possibilities for persons deprived of their liberty to influence their own fate are limited, if not non-existent and;

- Prisons are by definition closed and keep those detained out of the sight of the society;

It should be noted that the fact that monitoring mechanisms have been established does not necessarily imply that there are serious problems in the places of detention or a widespread lack of confidence in the officials in charge.

Monitoring visits have a variety of functions:

- **Preventive function**: The simple fact that community representatives (in this case, IPMs) regularly enter prisons to observe in itself contributes to the protection of those held there.

- **Direct protection**: In situ visits make it possible to react immediately to problems affecting the prisoners which may have not been dealt with by the officials in charge.

- **Documentation:** The visits provide an opportunity to document specific aspects of imprisonment which by careful analysis of trends could be dealt with in a thematic study by the HMIPS inspection function or indeed by unannounced inspections.

- **Basis for dialogue with the SPS**: Visits make it possible to establish a direct dialogue with the SPS and officials in charge of the prison facility. This dialogue, in so far as it is founded on mutual respect, leads to the development of a constructive working relationship, in which the points of view of the prison officials about their working conditions and any problems they might have identified can also be obtained.

2.3 How the Monitoring of prisons links with Inspection

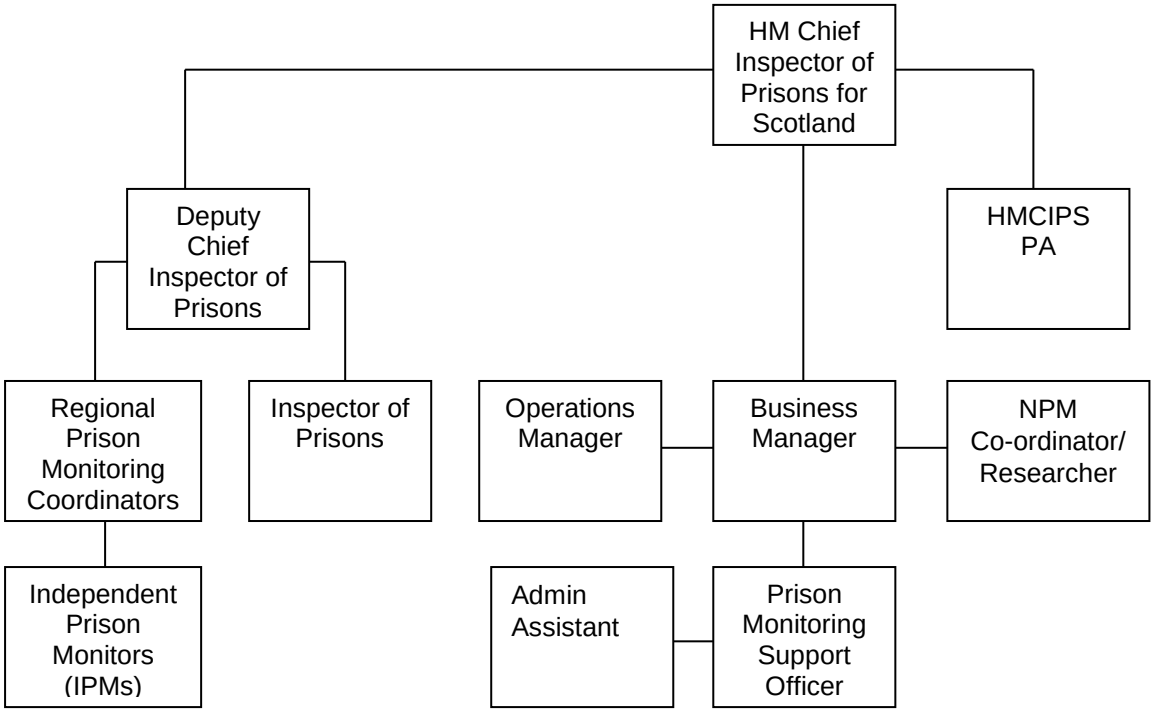
Monitoring and Inspection of prisons are two separate functions. Monitoring can be thought of as a broad, regular, checking of prison functions and treatment of prisoners, whereas inspection is a more focussed 'deep dive' scrutiny of how prisons are run. The inspection of a prison tends to happen around once every three years.

The findings of monitoring visits are considered by the HMIPS Inspection Team when they are planning their inspection activity. Monitoring findings may point to certain areas in need of more focussed scrutiny.

Likewise, Inspection findings can be used to direct monitoring activity. For example IPMs may take the published findings of an inspection and monitor certain areas regularly over time to determine if any improvement has been made following an inspection.

3.0 MONITORING ROLES AND RESPONSIBILITIES

3.1 HMIPS Organisational Structure



3.2 Independent Prison Monitoring Regions / Respective Prisons

HMIPS has allocated groups of prisons into four 'regions'. The IPM teams in each Prison are managed by a Regional Prison Monitoring Coordinator (PMC).

Region	Prisons
1	HMP YOI Grampian
	HMP Inverness
	HMP Open Estate
	HMP Perth
2	HMP YOI Cornton Vale
	HMP Glenochil
	HMP YOI Polmont
	HMP Shotts

Region	Prisons
3	HMP Dumfries
	HMP Greenock
	HMP Kilmarnock
	HMP Low Moss
4	HMP Addiewell
	HMP Barlinnie
	HMP Edinburgh

3.3 The role of the Prison Monitoring Coordinator

The role of the Prison Monitoring Coordinator (PMC) holds statutory authority, and is detailed in The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 at section 7B.

The PMC supports and manages the Independent Prison Monitor in each of their establishments.

In addition, PMCs assume responsibilities for various HMIPS development projects.

3.4 The role of Independent Prison Monitors

Supported by the PMC the role of the IPM is broadly defined as:

- Conduct prison visits to observe and monitor all aspects of prison life, in accordance with the HMIPS standards for monitoring and inspection;
- Talk to prisoners about their treatment and conditions in prison, and provide advice and support as required;
- Talk to visitors, prison officers and other people working at the prison about the treatment of prisoners;
- Attend all mandatory training;
- Develop effective working relationships with prisoners, staff and the Governor;
- Respond to requests from prisoners for confidential conversations, and conduct investigations where required;
- Examine relevant prison records and other information relating to the treatment of prisoners, in response to issues or concerns raised or observed;
- Assist prisoners with the prison complaints and NHS complaints processes where requested;
- Escalate issues to the PMC, prison management, and Governor as appropriate;
- Report on their monitoring activity using the HMIPS online reporting tool ('PRIAM');
- Attend quarterly business meetings with the Governor;
- Attend quarterly IPM team meetings;

3.5 Attendance at meetings

The IPM role is voluntary, and HMIPS recognises that different people have different pressures on their time and availability. While it is not expected that IPMs attend every meeting, there is a minimum requirement that should be met, to ensure that IPMs develop their knowledge in line with their team mates, and that they have the opportunity to represent their findings in discussion with the Governor.

HMIPS therefore expects that IPMs attend at least two quarterly team meetings and two quarterly business meetings with the Governor.

Where IPMs cannot attend meetings they can raise any matters to be represented at meetings with their respective PMCs in advance.

Where IPMs may have difficulty in attending the expected number of meetings, they should inform their PMC and have a discussion to see what support / adjustments can be made.

3.6 Investing in Volunteers (IiV)

Investing in Volunteers (IiV) is the UK quality standard for all organisations which involve volunteers in their work. HMIPS has achieved the Investors in Volunteers Award. Read more on what this award means for volunteers such as IPMs.

3.7 Code of conduct

Monitoring prisons through visits is a delicate and sensitive task. For reasons both of ethics and efficiency, it is important that those IPMs conducting visits keep in mind and respect a number of basic principles, and these are set out in the Independent Prison Monitor's Code Of Conduct. The principles are mainly taken from the basic principles of monitoring identified in the United Nations Training Manual on Human Rights MonitoringThey have been adapted, where necessary, in order to take into account the specificities of the monitoring role. IPMs are required to sign a Volunteer Agreement, which includes the code of conduct. A copy can be found by clicking the link above.

3.8 Conflicts of Interest

It is possible that during an Independent Prison Monitoring visit that an IPM may know an individual in prison for a variety of reasons. In the event that there is any potential for a conflict of interest arising the IPM ***must*** inform the regional PMC to determine the nature of the potential conflict of interest and to allow any reasonable adjustments to be considered and implemented where possible.

3.9 Training

It is HMIPS' responsibility to ensure that IPMs receive relevant training to be able to carry out their role. IPMs are provided with comprehensive 'core' training (detailed below) prior to their formal appointment and initial visit. IPMs will also benefit from a rolling programme of further training, as determined by HMIPS on an on-going basis. IPMs are expected to make reasonable arrangements to be available to undergo the training.

3.9.1 **IPM training requirements** (required prior to commencing visits)

- HMIPS 'Core Training'
- Personal Protection Training ("PPT")
- Prison key training and local induction
- Talk-To-Me briefing (suicide and self-harm awareness)

4.0 CONDUCTING MONITORING VISITS

4.1 Introduction

In Scotland, Independent Prison Monitoring is a method of collection, verification and use of information to ensure the humane conditions and treatment of prisoners in Scottish Prisons.

The credibility of the IPM is crucial to successful monitoring and they should gather as much information as they can to establish the facts of any perceived problem prior to escalation.

Monitoring requires an on-site presence, a good understanding of how the prison works and an enquiring informed critical approach. Dialogue with both prisoners and prison staff is key to monitoring and the IPM will continue to accumulate knowledge and a practical know-how as they accumulate more visits. The role of the IPM is to look at the impact of practice on prisoners and staff and to look at the application of policies and the Prison Rules

Independent Prison Monitoring is not about fault finding - its main purposes are fact finding, investigating and reporting. The overall goal is to provide assurance that the conditions and treatment of prisoners meets expected standards and is done with an approach of questioning, with a reputation of fairness and impartiality and is conducted in a spirit of supporting continuous improvement.

It is important that IPMs gain a good knowledge of the HMIPS Inspection and Monitoring Standards; have familiarity with the Prison Rules (including knowing that they can consult the rules) the operating practices in their prison, an understanding of the boundaries of what they can and cannot do while recognising the professional boundaries which apply at all times.

4.2 Legislative requirement for monitoring visits / IPM Rota & time commitments

The statutory requirement dictates that at least one independent prison monitor must visit the prison at least once every week.

To facilitate this a rota will be agreed for IPMs to carry out, detailing which IPMs are scheduled to do each week's statutory visit. Individual commitment from volunteers will range according to their personal commitments and availability. An IPM will be scheduled on the rota to perform a monitoring visit on a particular week, and they will be able to visit the prison at the most convenient time for themselves that week, and in agreement with their fellow IPMs (if visiting together). Usually an IPM can expect to do around one monitoring visit per month (in addition to any training / meetings etc.), though this can in practice be more or less, depending on an individual's availability.

In the event that an IPM needs to change the dates that they are scheduled to visit on, they can speak with an IPM colleague to organise a swap / cover, or speak with their PMC, giving as much notice as possible. In an emergency, where any IPM cannot fulfil their duties for any reason the relevant Regional PMC must be informed.

The expected average length of a visit is between 3 and 5 hours.

IPMs should be aware that prison monitoring must extend beyond day-time on weekdays. In the case of evening / weekend visits it is anticipated that these will be less frequent as the majority of visits should be conducted when prisoners are involved in various activities during the day. *Inform your PMC in advance of any intended evening/weekend visits*.

4.3 Structure of a typical IPM visit

The structure of what an IPM does during a visit must by necessity be flexible to respond to what happens on the day. However HMIPS suggests that a typical visit would be structured as follows:

- On arrival at the prison IPMs must ensure they have photographic ID. Fully appointed IPMs are provided with an HMIPS badge.
- Log on to the SPS computer at the dedicated IPM workstation.
- Open up and check e-mails (IPMs will be given an SPS e-mail address).
- Log on to the HMIPS on-line reporting system and read reports that have been filed by colleagues since your last visit. This will inform you of what has been done recently, and will give you ideas on what standards to focus on during your visit.
- Note outstanding actions required to undertake with prisoner requests.
- Load up the dedicated monitoring recording forms with the info you require.
- Identify what request boxes require checking.
- Determine what time you have, and prioritise the outstanding actions / planned observation work.
- Plan your route around the prison.
- Ensure you have the relevant keys and a personal alarm before going into the main prison.
- Pay particular attention to prisoners with protected characteristics including if considered appropriate seeking them out during the visit
- Depending on local IPM policy and practice to consider including a visit to the SRU
- When in SRU read prisoner re-integration plans, and consider asking to see one or more prisoners, and ensure at least one cell is visited
- Ask about prisoners on Talk-to-Me and consider visiting

4.4 Monitoring the standards – what IPMs should focus on

- Tips on what to look at are provided on laminated cards in the purple folders situated at the IPM desk.
- IPMs are also provided with ring-bound hint and tips cards which they can carry around with them.
- It is important to assess HOW YOU FEEL about what you are seeing/being told, etc. – does it seem fair/appropriate/efficient, etc?

Ask staff questions - Why is it like this? / What is being done about it? Remember Lieutenant General Morrison's adage "The standard you walk past is the standard you accept".

4.5 Dealing with prisoner requests

When dealing with prisoner requests (either new ones or following up on existing ones), there are some basic steps to follow initially:

- Ask staff which hall they are located in (if not known).
- Upon arrival at the relevant hall, inform staff which prisoner(s) you are there to see.
- Ask if there are any restrictions on seeing the prisoner (e.g. some prisoners may not be able to be seen by females alone, or may require to be seen in closed visit conditions, etc.).
- Staff should then fetch the prisoner and provide suitable space for you to speak with them discreetly.

- IPMs should explain to prisoners the HMIPS Prisoner Privacy Notice, which explains how we handle the information they provide HMIPS.
- Gather as much relevant info from the prisoner as possible. You should determine if there is a case for investigation, or if what the prisoner is telling you suggests they are being treated fairly.
- If the prisoner is making a complaint you must ensure that they have first made full use of the SPS and/or NHS complaints systems. (See sections 4.8 and 4.9 below).
- Discuss matters with relevant staff, and determine the next course of action.
- Always feed back to the prisoner on same day wherever possible, even if only to advise of further action, a need to wait for further information, etc.

In all cases members must show an even handed approach, enquiring, supporting where appropriate and listening to both sides of a story before following it up and pursuing matters. IPMs should not become over involved with any one prisoner or member of staff or assume a role more properly left to other agencies. (See 4.7).

Whilst IPMs should accept and seek to express 'what is' (with relevant evidence), rather than 'what should be' they can consider potential solutions and assist where possible in making relevant recommendations for improvement. IPMs should also seek to observe and report on the strengths of the organisation and identify areas perceived as (with the relevant supporting evidence) best practice in any particular prison.

The collection of sound and precise information can be a long and complex process and generally a variety of sources will have to be approached and the information received from them examined carefully, compared and verified before being accepted as factual

Immediate results cannot always be expected and consistency, persistence and patience on the part of the IPM will be required.

IPMs should have access to prisoners both during the working day and during recreation and should ensure that they are seen to speak to prisoners who have not made requests as well as those who do.

Staff may also approach IPMs and talk about anything that impacts on prisoners. Although IPMs have no responsibility for staff, staff problems which affect the care and treatment of those in custody are a legitimate concern. However, the IPMs should bear in mind that staff have official channels and support within the prison system which should not be undermined.

4.6 Access to Prison Records

IPMs have the authority to examine any prison record other than personnel records, or any documents containing information, the disclosure of which would, in the opinion of the governor of the prison, have implications for the security of the prison.

4.7 SPS Complaints system

Prisoners may wish to express a complaint regarding their treatment by SPS, lack of access to support services etc. Where this is the case IPMs should first direct prisoners to make use of the SPS complaints system, which must be accessible to prisoners by law.

1. Prisoners must submit to staff what is called a Prisoner Complaints Form 1 (PCF1) outlining the complaint.
2. This should be responded to by the relevant staff.

3. Where a prisoner is unhappy with the outcome, or if the complaint is regarding a member of staff, prisoners must then submit a 'PCF2', which goes directly to the Governor.
4. If the prisoner is still unhappy with the outcome then they have the possibility of escalating their complaint to the Scottish Public Services Ombudsman.
5. The full SPS complaints process, including timescales for each stage, can be found in the Prison Rules.

IPMs should advise prisoners to complete this process prior to commencing an investigation themselves, however IPMs do have power to investigate matters where the process or system appears to be failing even if the prisoner has not completed the complaints process. IPMs may assist prisoners in accessing the complaints system or in submitting a complaint.

4.8 NHS Complaints system

Similarly, where prisoners wish to complain about NHS services, there is a dedicated NHS complaints system. Again, IPMs should advise prisoners to complete the NHS complaints process before they investigate the matter. As there are different Health Boards operating across the fifteen prisons the complaints processes may vary. IPMs should familiarise themselves with the process operating in the prisons they are monitoring.

4.9 Referral to Patient Advice and Support Service (PASS)

Where a prisoner has described a complex medical issue to the IPM that requires investigation, the IPM can make a referral to the Patient Advice and Support Service on their behalf.

The Patient Advice and Support Service (PASS) is delivered by Citizens Advice Scotland. The service is independent and provides free, confidential information, advice and support to anyone who uses the NHS in Scotland, including prisoners. The service promotes an awareness and understanding of the rights and responsibilities of patients. It also advises and supports people who wish to give feedback, make comments, raise concerns or make a complaint about treatment and care provided by the NHS in Scotland. The Patient Advice and Support Service will also work with the NHS to use feedback to improve NHS service provision.

4.10 More immediate issues

Wherever practical, the IPM should direct prisoners to where support already exists from other support services either operating in the prison or in some cases externally.

However some issues raised by prisoners may require a more immediate investigation and response by IPMs, rather than encouraging prisoners to follow the complaints processes (which can take weeks). Such matters may include:

- Prisoner complains about (lack of) preparation for release, where the release date is approaching.
- Prisoner complains of being in great pain. IPMs should pass on concerns to health staff and/or SPS staff as soon as possible.
- Prisoner complains of feeling threatened by other prisoners. IPMs should report this to staff.

- Prisoner complains of feeling threatened by staff. IPMs should report this to senior management.
- Prisoner intimates violence towards others. IPMs should reported this to staff.
- Prisoner indicates possibility of self-harming. IPMs should advise staff and inform the prisoner of action taken

4.11 Meeting with prisoners / being safe

Meetings with prisoners should take place in private however these should never take place in a prisoner's cell. This is for personal safety reasons and for reasons of personal integrity and professionalism. IPMs should consider the content of the request, if known, and be discreet in arranging to see a prisoner if necessary. Confidential matters should be conducted in a location which will present the least risk of eavesdropping and provide complete privacy. An ideal place would be an office within the specific hall of the prison in which the prisoner resides.

Given that the IPM will be meeting with the prisoner and often on their own, the IPM should stop the meeting if at any time the situation or prisoner makes them feel uncomfortable or in any way threatened. This may be for various reasons and is not particular to an IPM feeling unsafe. Although it is anticipated that these types of situations would be rare, HMIPS has a duty of care to the IPMs and in this circumstance they should contact their PMC for support and pass the prisoner request on to another IPM, explaining to the prisoner that this is an issue that they cannot personally progress in the normal way.

4.12 Interpretation Services

In the event that there is a requirement for interpretation services to support a prisoner who cannot speak English, the IPM can contact **Global Language Services Ltd.** To use this service call Tel: 0141 429 3429 where services can be arranged via telephone or conference.

4.13 How does a prisoner make a request to meet with an IPM?

There are 3 main options for prisoners to make a confidential request to speak with an IPM:

- **A Freephone number**: - Prisoners can call the Prison Monitoring Freephone number (0800 056 7476) and leave their name, prisoner number and location. These requests will be processed centrally and placed on the HMIPS online reporting system. Calls to the Freephone number are not monitored by the SPS and the Freephone number is available to prisoners in addition to their own list of permitted numbers.

- **The Request box**:- Prisoners may also make written requests using boxes that will be available in residential areas. IPMs will be required to check these boxes for requests and also ensure an appropriate supply of paper for making requests is available. Boxes will be checked at least fortnightly.

- **The direct approach**:-prisoners can approach IPMs during the course of monitoring visits to request a confidential discussion.

4.14 Recording a monitoring visit

HMIPS has a dedicated online reporting system, which IPMs log on to in order to record the details of their interactions with prisoners and staff, and to record their observations in relation to the HMIPS monitoring standards.

IPMs will be provided training on how to use this system. Note that it can only be accessed by IPMs at their respective prison and not from home.

Where follow up action is required, this is noted on the system for IPM colleagues and the PMC to view. The PMC will be able to view IPM records for all prisons for which they are co-ordinator and analyse the data for trends and reporting purposes.

The data gathering process is a fundamental part of the IPMs role as the analysis of this enables HMIPS to evaluate whether further visits are required in conjunction with the IPMs and may lead to unannounced inspections or evidence led thematic reviews.

It is fundamentally important that IPMs record not just what they have seen, discussed , etc, but also their views as to its fairness, acceptability, etc. For example IPMs should note how they felt about the state of the various areas of the prison, and not just the fact that they visited them.

4.15 Incident Management in a Prison

From time to time operational incidents can take place in a prison and special procedures require to be put in place. During any such incidents IPMs will usually be able to continue to monitor areas of the prison not affected by the incident. However IPMs should follow the instructions provided at the time by staff, to ensure their own safety.

SECTION 5 DATA HANDLING

5.1 GDPR and the management of information

Independent Prison Monitors (IPMs) should be aware that they are bound by the same legislation that applies to all SPS staff and the organisations/agencies that SPS works in partnership with concerning the management and use of information gained or accessed whilst performing their role. This is referred to as Data Protection, governed by The General Data Protection Regulations.

Similarly, HMIPS is bound by the same regulations when handling personal information about IPMs, including their emergency contact details, etc.

In carrying out their monitoring duties IPMs will have access to information which must be treated as confidential. Information must not be disclosed other than in the proper performance of an IPMs duties. All information about prisoners, their personal affairs, the management of the prison and staff matters are to be treated in confidence and not passed to people outside the prison, except to HMIPS staff where relevant concerns are raised.

5.2 Information Commissioners Office (ICO)

If an individual has concerns or complaints about the information that has been generated or held about them they have the option to raise questions or complaints related to the Data Protection Act (and other legislation) through the Information Commissioners Office (ICO) as the regulator for Data Protection.

5.3 Prisoners' Access to their information

Prisoners can request a copy of the information that HMIPS holds about them (for example the content of IPM reports that relate to the prisoner. GDPR also enables Data Subjects (the individual to which the data relates) the right to access that data where a written request is submitted and relevant fee has been paid (normally £10, but this can be waived at the organisation's discretion). This process is known as a Subject Access Request. Though there are some valid exemptions under which data can be withheld (notably related to the prevention or detection of crime) the basic principle is that if the data is about an individual then that data can usually be released. No third-party details should be disclosed.

IMPORTANT: If an IPM receives such a request directly from a prisoner, IPMs must inform the prisoner that they should write to HMIPS to make the request, as there is a formal process that must be followed, including ensuring that any information about people other than the data subject that may be included in the information is redacted.

5.4 Management of information by IPMs

There are some simple principles that IPMs should apply when managing prisoner or staff information:

- No personal information regarding a prisoner should be taken out with the prison; Independent Prison Monitoring visit reports should be written up before an IPM leaves the establishment.
- Notes recorded on the monitoring pads should be shredded once the information is added to the on-line reporting system. Where paper copies must be kept (for example

new prisoner requests obtained from request boxes that could not be dealt with on the day of the visit) they should be held in a locked cabinet at the IPM workstation.

- Personal information regarding a prisoner should not be discussed out-with the prison.
- The transfer of information between one IPM to the relevant PMC and or other IPMs/ on their team should be through the acknowledged IPM formal communications processes (e.g. secure email / phone call) or by face to face briefings.
- IPMs MUST NOT transfer information of a sensitive / personal nature using their personal home e-mail address, post, etc.
- No copies of official records with prisoner personal information should be taken, Information can be taken from these and referred to in any formal report prepared by IPMs.

NOTE: Wherever practicable prisoner/staff names should not be used in reports or minutes of meetings, it is much better to refer to issues rather than the individual. However, it is understood and accepted that there are occasions where this will not be practical and lead to reports being unintelligible. The rule of thumb should be only to use prisoner/staff personal details where it is essential to do so; and if in any doubt consult with the Prison Monitoring Coordinator (PMC).

Respect for confidentiality is crucial as a breach of this principle can have serious consequences:

1. For the prisoner who has shared the information, particularly where there is some fear of reprisal, the IPM should always bear in mind the safety of the individual;
2. For the IPMs' credibility and safety;
3. For the level of confidence in Independent Prison Monitoring in the minds of the local prisoner population and SPS staff and managers;
4. For the overall effectiveness of Independent Prison Monitoring in Scotland;
5. The full HMIPS Prisoner Privacy Notice details what personal information we keep on prisoners and for how long. Prisoners are given copies of this when IPMs speak with them, and copies are available in noticeboards around each prison.

6.0 ESCALATION OF ISSUES

It is imperative that IPMs are clear about what to do with the information from their monitoring activities. Reporting in itself does not invoke improvement: discussions with the prison authorities is required at a local level to ensure that information is shared and an opportunity is provided to allow the local prison to address any identified issues.

There are three levels of escalation categories for IPMs:

Level 1
During monitoring activities local issues are discovered with process deviations or non-compliance issues in relation to the inspection and monitoring standards. These issues are considered to have an impact on the treatment and conditions of prisoners and whilst they may be relatively minor, require to be resolved. In these instances the issue should be discussed with the local staff for resolution. These types of issues are not considered to have an impact on prisoner safety, are considered to be isolated and prompt resolution would close the issue with no further action required. A record of the nature of the problem, who was spoken to and the details of the discussion and agreements should be recorded in the visit report by the IPM. This can also be flagged for follow up by the next IPM to ensure that agreed remedial action has occurred.

Where a prisoner has identified an issue where they are considered to have genuine fear of reprisal, this issue will be directed to the Governor in Charge or a senior prison manager and will proceed directly to Level 2.

Level 2
Items not resolved in a timely manner at Level 1 will be notified to the Governor in Charge of the prison or senior prison manager.

Level 2 issues also include those discovered during prison monitoring where process deviations or non-compliance issues in relation to the inspection and monitoring standards have been discovered. These are issues that are believed to have a considerable impact on the treatment and conditions of prisoners and are judged to be so significant by the IPM that they require immediate action.

Where a prisoner has identified an issue where they are considered to have genuine fear of reprisal, this issue will be directed to the Governor in Charge or their appointed representative.

The Level 2 escalation should also be recorded on the IPM visit report as per Level 1.

Level 3
Where in the opinion of the IPM, a matter notified to the Governor in Charge of the prison has not been remedied to the satisfaction of the IPM, the Governor in Charge will be informed and the matter will be escalated to the relevant Regional PMC. A level 3 escalation will require immediate action by the PMC and the Chief Inspector of Prisons will also be notified. Records of meetings, agreements and escalations will also be made, including activities to close the open issue.

7.0 TRAVELLING TO PRISONS / EXPENSES

7.1 Indemnity for Personal Liability

Traveling to and from a prison is the responsibility of the IPM and where private transport is used the IPM is responsible for ensuring that their vehicle insurance is covered to reflect this. Apart from this IPMs fall under the auspices of the HM Chief Inspector of Prisons for Scotland and any personal liability claims should be submitted to HMIPS.

The Scottish Prison Service, as an employer, has a responsibility under Health and Safety legislation for ensuring the health and safety of all people in its establishments including:

- Staff;
- Prisoners;
- Visitors;
- Contractors;
- Independent Prison Monitors

7.2 Expenses

IPMs are all unpaid volunteers. However, IPMs are able to claim expenses, for example for the cost of travelling to and from the prison for visits or for planned meetings, or for costs incurred as a result of attending training courses.

Expenses claims should be made in arrears. Claim forms can be obtained from HMIPS Head Office, or from your Prison Monitoring Co-ordinator. The guidance supplied with the form sets out the rates and timescales for payment. IPMs should submit claims regularly, usually after every monitoring visit. Claims submitted more than 12 months after the expenses are incurred will not normally be considered for payment.

Regional PMCs will consider requests for advance payment of expenses on a case by case basis.

8.0 IPM SUPPORT AND SUPERVISION

It is important to ensure that IPMs feel supported to carry out their duties and that assistance is provided to help them maintain a satisfactory level of performance. A range of support and supervision functions is available to IPMs, and can be found in full by following the link.

The main drivers of this process are as follows:

- To establish good working relationships amongst IPMs and PMCs;
- To encourage attitudes that motivate people towards improving their progress and performance;
- To aid in interpreting and applying the requirements of the role, the guidance and other relevant documents and procedures;
- To assist IPMs to work safely and within their abilities;
- To deal with any problems regarding the IPM's performance;
- To initiate or recommend IPMs for new tasks or training;

9.0 GRIEVANCE PROCESS

It is understood that IPMs may be unhappy in their role, be it due to people they work with or due to the requirements of the role / process matters, etc. There is a dedicated IPM Grievance Process that IPMs should follow in order to seek resolution of any issues. The full process can be found by following the link.