

COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS FRAMEWORK – PRISONS AND COURT CUSTODY UNITS

Document Details

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Document Author/ Owner	Calum McCarthy, Inspector of Prisons

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Document approval

Name	Job Role	Date approved
Wendy Sinclair-Gieben	HMCIPS	
Stephen Sandham	Deputy Chief Inspector of Prisons	

Inspecting and Monitoring –
<https://www.prisoninspectorscotland.gov.uk/>

Introduction

Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) is required to inspect the 15 prisons across Scotland in order to establish the treatment of and the conditions for prisoners, and to report publicly on the findings.

The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 came into force on 31 August 2015 and from this date HMCIPS assumed overall responsibility for the monitoring of prisons, which is carried out on a day-to-day basis by Independent Prison Monitors (IPMs). HMCIPS also has responsibility for the inspection of Court Custody Units (CCUs) and the treatment of and conditions for prisoners under escort.

As one of the 21 bodies that comprise the UK's National Preventive Mechanism (NPM), Her Majesty's Inspectorate of Prisons for Scotland (HMIPS) has a duty to regularly monitor the treatment of detainees and the conditions in which they are held. However, in response to the COVID-19 pandemic, Wendy Sinclair-Gieben, HMCIPS, took the difficult decision on 24 March 2020 to inform the Cabinet Secretary for Justice, Humza Yousaf MSP, that she was suspending the weekly monitoring of prisons by IPMs, forthcoming inspections of prisons, and inspections of Court Custody Units (CCUs) and transport arrangements for prisoners.

In these challenging times, during the COVID-19 pandemic, HMCIPS acknowledges that there will be a need for changes in the daily routines and regimes in Scotland's prisons in order to keep people safe. Although the Scottish Prison Service (SPS) keep HMCIPS informed of the continuing changing picture and challenges they are faced with by their National Coronavirus Response Team daily update, HMCIPS has made it clear that "protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty" and that she will report to the Cabinet Secretary for Justice on the treatment and conditions in which prisoners live in line with HMIPS' [Standards for Inspecting and Monitoring Prisons in Scotland](#).

Process

To ensure human rights are upheld, it is our intention for HMCIPS, the Deputy Chief Inspector, and the Inspector of Prisons to visit all prisons during this pandemic. HMCIPS also intends to keep in regular contact with the prison Governors-in-Charge (GICs), prison Directors, or representative, for example the COVID-19 single point of contact (COVID-19 SPOC). HMCIPS, or Deputy Chief Inspector of Prisons, will also make regular contact with the SPS Divisional Head of Operational Support, and the Inspector of Prisons will make regular contact with the SPS Head of Health and Justice. Any other communications to the SPS regarding COVID-19 will be made by contacting the SPS at HQCoronavirus@sps.pnn.gov.uk or at SPSCOV19@sps.pnn.gov.uk

HMCIPS may also choose to visit any of the 10 remaining courts that are open to undertake support visits to their CCUs.

Liaison Visits to prisons and CCUs will take place where HMIPS believe the urgency to visit outweighs our precautions related to COVID-19. Where possible, Liaison Visits to prisons will be accompanied by a representative from Health Improvement Scotland (HIS).

Liaison Visits to prisons and CCUs, as well as support telephone calls, will have the following functions:

- To ensure prison and CCU inspections continue and are grounded in human rights, looking at the treatment and conditions of those held in prisons and CCUs.
- To offer support to the prison and CCU management and staff.
- To provide assurance to the Cabinet Secretary for Justice on the SPS, NHS, GEOAmev and the Scottish Courts and Tribunals Service (SCTS) response to the COVID-19 pandemic for those in custody.
- To garner intelligence and information to make an informed decision on future HMIPS priorities.
- To identify good practice that can be shared.

Prisons

Where it is deemed appropriate HMIPS, with HIS, will arrange a one day visit with a small team of inspectors to prisons selected. The selection criteria to determine the prison to be visited, includes information and intelligence received from HMIPS Monitoring team, the SPS and partner agencies. The information is added to our liaison data algorithm (see Annex A) that will determine a risk score according to new data inputted weekly and subsequently suggest the next prison to be visited.

HMIPS will make arrangements in advance with the SPS and HIS for any Liaison Visits with prisons to enable a safe entry into each prison, to allow time for the GIC and the NHS, or their representatives, to meet with the inspection lead, arrange an overview of the prison, and co-ordinate access to Personal Protective Equipment (PPE), keys and alarms. Any PPE protocols for the prison will be adhered to by the visiting team members. There may be occasions where HIS will not accompany HMIPS on the Liaison Visit.

It is the intention of the visit to, where possible, gain a detailed understanding of how the prison is functioning during the COVID-19 pandemic through discussion and observation, utilising aspects of our inspection [Standards for Inspecting and Monitoring Prisons in Scotland](#):

1. COVID-19 updates: to understand any issues surrounding staffing and prisoners from the GIC or SPOC that includes the NHS response to testing and tracing, numbers of prisoners tested positive for COVID-19 and those isolating or being isolated.
 2. Staff absence: in addition, HMIPS will seek to understand the SPS/NHS staff absence numbers and their impact (some of this information will be supplied by SPS HQ on a daily basis).
 3. Social distancing: we will check how social distancing is being managed in areas such as dining halls, recreation, reception, time in the fresh air, and especially admissions and cell sharing. This will also include looking at preventative measures being enacted, such as screening on admission and liberation. We are particularly interested in the measures to mitigate the detrimental effects of social isolation or quarantine.
- (Standard 1 – Lawful and transparent custody).**

4. Meals: we will check if meals are of good quality, whether there is an appropriate choice in particular on religious grounds, and that food hygiene standards and dietary needs of prisoners are adhered to.

(Standard 2 – Decency)

5. Regimes: we will look to obtain detail of the continuation of daily regimes, including access to showers where there are no in-cell shower facilities, access to time in the fresh air and access to family contact.

(Standard 2 – Decency)

6. Talk to Me live cases: we will check that there is an appropriate and ongoing process in place for people subject to Talk to Me procedures.

(Standard 3 – Personal Safety)

7. Rule 41 paperwork: we will check that the revised process for people being detained under Rule 41 due to COVID-19 are being adhered to. Looking at processes in place to ensure in-cell activity is available and a television is available to those who are isolated. We will also be interested in the numbers of people on Rule 41 and the length of time held under this Rule.

(Standard 3 – Personal Safety)

8. Rule 95 paperwork: we will check that those under this Rule are treated lawfully and with humanity, and there is a sufficient regime in place and adhered to. The SRU is a default check by HMIPS at all times.

(Standard 4 - Effective, Courteous and Humane Exercise of Authority)

9. Access to family contact: we will look at what access prisoners have to telephones or other measures (for example, email a prisoner, video link, mobile phones, etc) in order to keep in contact with friends and family. Monitoring the implementation and impact of agreed actions such as increased availability of virtual visits or the provision of access to mobile telephones, tablets, and incoming and outgoing mail is a default position for HMIPS.

(Standard 5 - Respect, Autonomy and Protection Against Mistreatment)

10. Access to recreation: we will check what type of social interaction takes place, and opportunities for fitness, distraction and learning.

(Standard 5 - Respect, Autonomy and Protection Against Mistreatment)

11. Access to legal representative: we will check that agents and other statutory visits are being facilitated even when prisoners are isolated under medical grounds for COVID-19.

(Standard 5 - Respect, Autonomy and Protection Against Mistreatment)

12. Access to information: we will look at the access to books, DVDs, CDs, including reference material. In particular we will look at the complaints system and the quantity and quality of prisoner information on COVID-19 and the prisons response.

(Standard 5 - Respect, Autonomy and Protection Against Mistreatment)

13. Access to fresh air: we will look at the provision for fresh air for all prisoners and note where access is denied and the authority to do so.

(Standard 6 - Purposeful Activity)

14. Communication: we will look at the communications/information that is in place regarding any changes to the regime, or other functions within the prison, for all relevant parties including prisoners, their families and other relevant agencies regarding the COVID-19 pandemic, ensuring that all communications/information is in a format/language people can understand.

(Standard 6 - Purposeful Activity)

15. Access to education: we will look at what access prisoners have to education, and if prisoners are able to continue with their current education or start new ones. Initiatives in education and learning will be documented.

(Standard 6 - Purposeful Activity)

16. Access to religious services: we will look at any initiatives involving religious services including pastoral visits, remote-linked services, information loops on in-house media, or religious information pamphlets.

(Standard 6 - Purposeful Activity)

17. Access to gym and fitness: we will look at what the establishment has in place for fitness. In particular we will inspect any alternative fitness initiatives, for example in-cell fitness activities, circuit training, satellite gyms, etc.

(Standard 6 - Purposeful Activity)

18. Prisoners on release: we will look at the liberation planning developed with those leaving custody regarding access to services, that is housing, healthcare, welfare services, and opportunities to utilise their time constructively.

(Standard 7 – Transitions from custody to life in the community).

19. Staffing and regime: we will look to establish if staff understand their roles and what is expected of them. Are staff updated on any changes and knowledgeable of the present position of the establishment.

(Standard 8 – Organisational Effectiveness)

20. Access to Healthcare: we will check that there is a daily assessment on wellbeing in a way that maintains the health and safety of all parties, and that there are measures in place to ensure healthcare continues to be managed under the principle of equivalence including health checks on liberation and transfer and escalation procedures. Checking processes are in place to support people with pre-existing health conditions.

(Standard 9 - Health and Wellbeing)

Reporting for Prison Liaison Visits

The intention is to produce a report on our findings within three weeks of the Liaison Visit (see Annex B) and publish once the Matters of Fact process has been completed. Reports will be sent to the SPS and NHS for confirmation of the factual accuracy and subsequently sent for information/action to:

1. Cabinet Secretary for Justice
2. Cabinet Secretary for Health and Sport
3. Director, Justice Directorate, Scottish Government
4. Chief Executive, SPS
5. HMIPS' Partner Agencies, and Key Stakeholders

All relevant parties will be kept informed, corrective action identified, and progress checked by HMIPS. A record of these actions will be logged in the Liaison Visits Framework and Support Telephone Calls Action Log (see Annex C).

CCUs

Due to the COVID-19 pandemic, the number of Scottish courts operating has been reduced to 10. Where it is deemed appropriate, HMIPS will arrange a one day visit with a small team of inspectors to each of the CCUs. The selection criteria to determine the CCU to be visited includes information and intelligence received from GEOAmeY, the SPS and partner agencies. The information is added to our liaison data algorithm (see Annex A), that will determine a risk score according to new data inputted weekly and suggest the next CCU to be visited.

Any PPE protocols for the CCU will be adhered to by the visiting team members.

HMIPS will contact each of the 10 GEOAmeY Court Managers on a weekly basis to confirm numbers of custodies attending, with a focus on understanding cell sharing along with a number of other questions. A spreadsheet will be completed (see Annex D) and stored in our Electronic Records Document Management (eRDM) filing system (see Annex B) which includes the courts that are in operation.

HMIPS may also choose to attend any of these courts unannounced. However, HMIPS are committed, where possible, to undertake these visits only where we believe the urgency to visit outweighs our precautions related to COVID-19, and any advice from the Scottish Government with regards to travelling. These visits will be undertaken in most cases by the Inspector of Prisons and the Operations Manager who normally undertake CCU inspections, but could be accompanied by other members of staff from HMIPS. It should be noted that HMIPS have recently inspected six out of the 10 courts currently operating, namely: Glasgow, Edinburgh, Paisley, Hamilton, Dumfries, and Aberdeen.

These visits will be supported by HMIPS' [Standards for Inspecting Court Custody Provision in Scotland](#).

Findings from any CCU Liaison Visits, or where issues are required to be highlighted from weekly CCU telephone calls, will be sent to for information/action: .

1. Cabinet Secretary for Justice
2. Cabinet Secretary for Health and Sport
3. Courts and Tribunals Division, Scottish Government
4. Scottish Courts and Tribunals Service
5. GEOAmeY
6. Police Scotland
7. Scottish Prison Service
8. Director, Justice Directorate, Scottish Government

This is to ensure all relevant parties are kept informed, and any actions identified and resolved. A record of these actions will be logged in a CCU Liaison Action Log (see Annex C).

This protocol will be kept under continual review and as soon as it is safe and reasonable to do so prison and CCU inspections will commence.



HMIPS Liaison Visits Framework and Support Telephone Calls – Findings

This report is part of a programme of Liaison Visits of prisons to be carried out by HM Inspectorate of Prisons for Scotland (HMIPS) during the COVID-19 pandemic. These visits will contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies, known as the National Preventive Mechanism (NPM), which monitor the treatment of and conditions for detention. HMIPS is one of several bodies making up the NPM in the UK.

HM Chief Inspector of Prisons for Scotland (HMCIPS) assess the treatment and care of prisoners across the Scottish Prison Service (SPS) estate against a pre-defined set of Standards. These Standards are set out in the document [Standards for Inspecting and Monitoring Prisons in Scotland](#), published in May 2018.

As these are one day visits, parts of each of the nine standards will be reflected in the COVID-19 commentary and are designed to provide information to prisoners, prison staff and the wider community on the areas that are examined during the course of a Liaison Visit. They also provide assurance to Ministers and the public that scrutiny of the treatment of prisoners has been continued.

The findings of these Liaison Visits will be reported to the appropriate bodies for information and action, referred to in the HMIPS Liaison Visits Framework and support telephone calls document, and an Action Log will be completed.

Prison:

Overall findings of visit under PANEL principles

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This is for general comment based on meetings with the Governor-in-Charge (GIC) or Single Point of Contact (SPOC), observations not covered in the other commentaries, information from SPS and the COVID-19 algorithm.

COVID-19 commentary

1. COVID-19 updates: to understand any issues surrounding staffing and prisoners from the GIC or SPOC that includes the NHS response to testing and tracing, numbers of prisoners tested positive for COVID-19 and those isolating or being isolated.

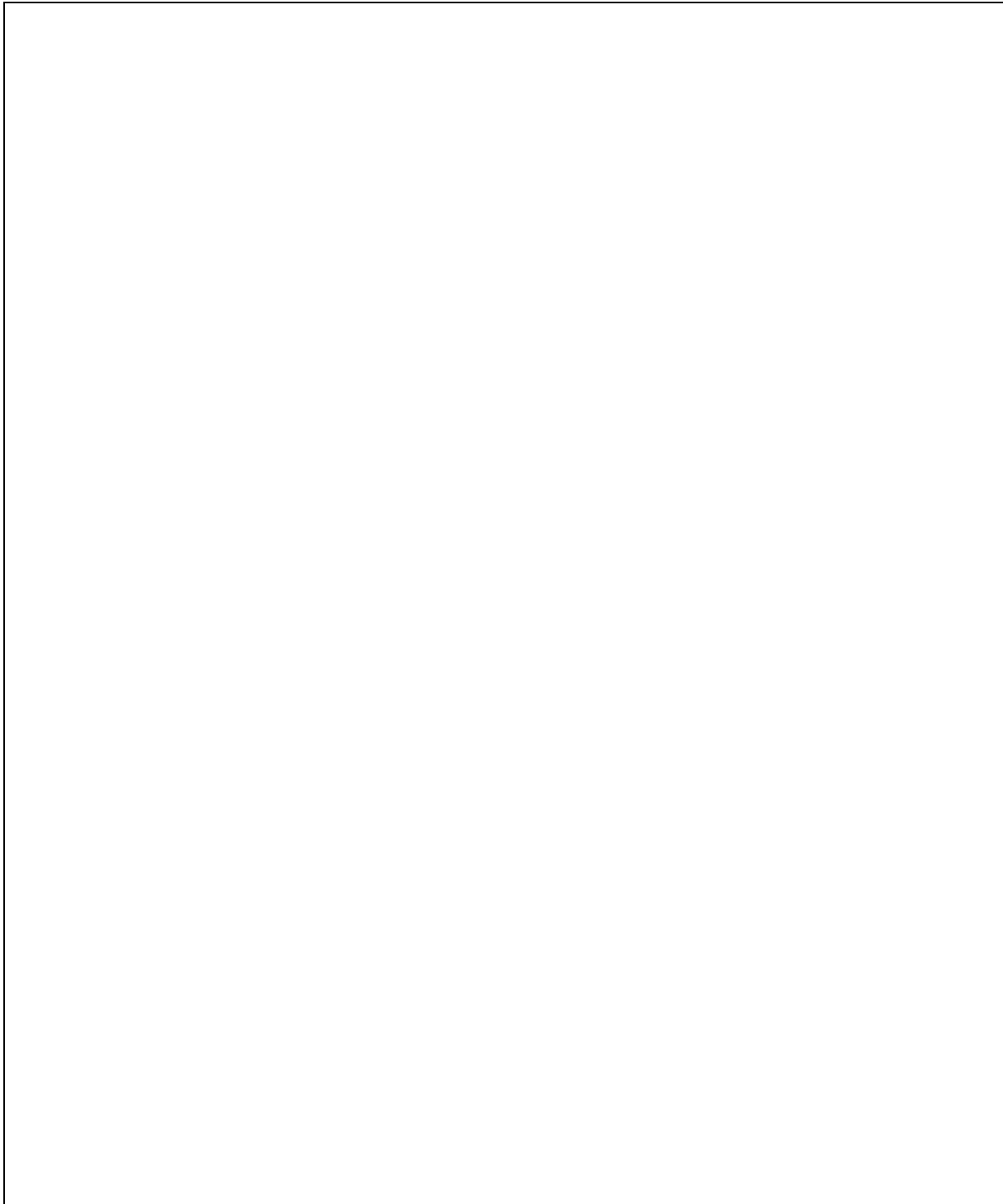
Visit findings

This is for general comment based on meetings with the Governor-in-Charge (GIC) or Single Point of Contact (SPOC), observations not covered in the other commentaries, information from SPS and the COVID-19 algorithm.

COVID-19 commentary

2. Staff absence: we will seek to understand the SPS/NHS staff absence numbers and their impact (some of this information will be supplied by SPS HQ on a daily basis).

Visit findings



HMIPS Standard 1

Lawful and Transparent Use of Custody

The prison complies with administrative and procedural requirements of the law and takes appropriate action in response to the findings and recommendations of official bodies that exercise supervisory jurisdiction over it.

The prison ensures that all prisoners are lawfully detained. Each prisoner's time in custody is accurately calculated; they are properly classified, allocated and accommodated appropriately. The prison co-operates fully with agencies which have powers to investigate matters in prison.

COVID-19 commentary

3. Social distancing: we will check how social distancing is being managed in areas such as dining halls, recreation, reception, time in the fresh air, and especially admissions and cell sharing. This will also include looking at preventative measures being enacted, such as screening on admission and liberation. We are particularly interested in the measures to mitigate the detrimental effects of social isolation or quarantine.

Visit findings

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HMIPS Standard 2

Decency

The prison supplies the basic requirements of decent life to the prisoners.

The prison provides to all prisoners the basic physical requirements for a decent life. All buildings, rooms, outdoor spaces and activity areas are of adequate size, well maintained, appropriately furnished, clean and hygienic. Each prisoner has a bed, bedding and suitable clothing, has good access to toilets and washing facilities, is provided with necessary toiletries and cleaning materials and is properly fed. These needs are met in ways that promote each prisoner's sense of personal and cultural identity and self-respect.

COVID-19 commentary

4. Meals: we will check if meals are of good quality, whether there is an appropriate choice in particular on religious grounds, and that food hygiene standards and dietary needs of prisoners are adhered to.

5. Regimes: we will look to obtain detail of the continuation of daily regimes, including access to showers where there are no in-cell shower facilities, access to time in the fresh air and access to family contact.

Visit findings

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HMIPS Standard 3

Personal Safety

The prison takes all reasonable steps to ensure the safety of all prisoners.

All appropriate steps are taken to minimise the levels of harm to which prisoners are exposed. Appropriate steps are taken to protect prisoners from harm from others or themselves. Where violence or accidents do occur, the circumstances are thoroughly investigated and appropriate management action taken.

COVID-19 commentary

6. Talk to Me live case: we will check that there is an appropriate and ongoing process in place for people subject to Talk to Me procedures.

7. Rule 41 paperwork: we will check that the revised process for people being detained under Rule 41 due to COVID-19 are being adhered to. Look at processes in place to ensure in-cell activity is available, and a television is available to those who are isolated. We will also be interested in the numbers of people on Rule 41 and the length of time held under this Rule.

Visit findings

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HMIPS Standard 4

Effective, Courteous and Humane Exercise of Authority

The prison performs the duties both to protect the public by detaining prisoners in custody and to respect the individual circumstances of each prisoner by maintaining order effectively, with courtesy and humanity

The prison ensures that the thorough implementation of security and supervisory duties is balanced by courteous and humane treatment of prisoners and visitors to the prison. Procedures relating to perimeter, entry and exit security, and the personal safety, searching, supervision and escorting of prisoners are implemented effectively. The level of security and supervision is not excessive.

COVID-19 commentary

8. Rule 95 paperwork: we will check that those under this Rule are treated lawfully and with humanity, and there is a sufficient regime in place and adhered to. The Separation and Reintegration Unit (SRU) is a default check by HMIPS at all times.

Visit findings

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HMIPS Standard 5

Respect, Autonomy and Protection Against Mistreatment

A climate of mutual respect exists between staff and prisoners. Prisoners are encouraged to take responsibility for themselves and their future. Their rights to statutory protections and complaints processes are respected.

Throughout the prison, staff and prisoners have a mutual understanding and respect for each other and their responsibilities. They engage with each other positively and constructively. Prisoners are kept well informed about matters which affect them and are treated humanely and with understanding. If they have problems or feel threatened they are offered effective support. Prisoners are encouraged to participate in decision making about their own lives. The prison co-operates positively with agencies which exercise statutory powers of complaints, investigation or supervision.

COVID-19 commentary

9. Access to families contact: we will look at what access prisoners have to telephones or other measures (for example, email a prisoner, video link, mobile phones, etc) in order to keep in contact with friends and family. Monitoring the implementation and impact of agreed actions such as increased availability of virtual visits or the provision of access to mobile telephones, tablets, and incoming and outgoing mail is a default position for HMIPS.

10. Access to recreation: we will check what type of social interaction takes place, and opportunities for fitness, distraction and learning.

11. Access to legal representative: we will check that agents and other statutory visits are being facilitated even when prisoners are isolated under medical grounds for COVID-19.

12. Access to information: we will look at the access to books, DVDs, CDs, including reference material. In particular we will look at the complaints system and the quantity and quality of prisoner information on COVID-19 and the prison's response.

Visit findings

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HMIPS Standard 6

Purposeful Activity

All prisoners are encouraged to use their time in prison constructively. Positive family and community relationships are maintained. Prisoners are consulted in planning the activities offered.

The prison assists prisoners to use their time purposefully and constructively and provides a broad range of activities, opportunities and services based on the profile of needs of the prisoner population. Prisoners are supported to maintain positive relationships with family and friends in the community. Prisoners have the opportunity to participate in recreational, sporting, religious and cultural activities. Prisoners' sentences are managed appropriately to prepare them for returning to their community.

COVID-19 commentary

13. Access to fresh air: we will look at the provision for fresh air for all prisoners and note where access is denied and the authority to do so.

14. Communication: we will look at the communications/information that is in place regarding any changes to the regime, or other functions within the prison, for all relevant parties including prisoners, their families, and other relevant agencies regarding the COVID-19 pandemic, ensuring that all communications/information is in a format/language people can understand.

15. Access to education: we will look at what access prisoners have to education, and if prisoners are able to continue with their current education or start new ones. Initiatives in education and learning will be documented.

(Standard 6 - Purposeful Activity)

16. Access to religious services: we will look at any initiatives involving religious services including pastoral visits, remote linked services, information loops on in-house media, or religious information pamphlets.

17. Access to gym and fitness: we will look at what the establishment has in place for fitness. In particular, we will inspect any alternative fitness initiatives, for example in-cell fitness activities, circuit training, satellite gyms, etc.

Visit findings

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HMIPS Standard 7

Transitions from Custody to life in the Community

Prisoners are prepared for their successful return to the community.

The prison is active in supporting prisoners for returning to their community at the conclusion of their sentence. The prison works with agencies in the community to ensure that resettlement plans are prepared, including specific plans for employment, training, education, healthcare, housing and financial management.

COVID-19 commentary

18. Prisoners on release: we will look at the liberation planning developed with those leaving custody regarding access to services, that is housing, healthcare, welfare services, and opportunities to utilise their time constructively.

Visit findings

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HMIPS Standard 8

Organisational Effectiveness

The prison's priorities are consistent with the achievement of these Standards and are clearly communicated to all staff. There is a shared commitment by all people working in the prison to co-operate constructively to deliver these priorities.

Staff understand how their work contributes directly to the achievement of the prison's priorities. The prison management team shows leadership in deploying its resources effectively to achieve improved performance. It ensures that staff have the skills necessary to perform their roles well. All staff work well with others in the prison and with agencies which provide services to prisoners. The prison works collaboratively and professionally with other prisons and other criminal justice organisations.

COVID-19 commentary

19. Staffing and regime: we will look to establish if staff understand their roles and what is expected of them. Are staff updated on any changes and knowledgeable of the present position of the establishment.

Visit findings

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HMIPS Standard 9

The prison takes all reasonable steps to ensure the health and wellbeing of all prisoners

All prisoners receive care and treatment which takes account of all relevant NHS standards, guidelines and evidence-based treatments. Healthcare professionals play an effective role in preventing harm associated with prison life and in promoting the health and wellbeing of all prisoners.

COVID-19 commentary

20. Healthcare issues: we will check that there is a daily assessment on wellbeing in a way that maintains the health and safety of all parties, and that there are measures in place to ensure healthcare continues to be managed under the principle of equivalence including health checks on liberation and transfer and escalation procedures. Checking processes are in place to support people with pre-existing health conditions.

Visit findings

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(Example of weekly statistics for court appearances during COVID-19)

CCU Weekly Telephone Log

	Cells	Cells in use	Adult Male	Adult Female	u 21 Male	u 21 Female	u 18 Male	u 18 Female	New admin	Total attendees	S/ Nurse within 1 hr	PPE	Hand sanitiser	Comments
Glasgow - CM	66	54	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Edinburgh - GN	25	25	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Falkirk - CM	6	6	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Dundee - GN	8	8	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Paisley - CM	9	9	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Kilmarnock - GN	16	16	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Hamilton - CM	9	9	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Dumfries - GN	5	5	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Inverness - CM	6	9	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Aberdeen - GN	8	8	0	0	0	0	0	0	0	0		Sufficient	Sufficient	
Total	158	158	0	0	0	0	0	0	0	0		Sufficient	Sufficient	

Glasgow**Edinburgh** (all courts in Lothian and Borders)**Falkirk** (Stirling, Alloa, Dunfermline, Kirkcaldy)**Dundee** (Forfar, Perth)**Paisley** (Greenock, Dumbarton)**Kilmarnock** (Dunoon, Oban, Campbeltown)**Hamilton** (Airdrie, Lanark, Ayr)**Dumfries** (Stranraer)**Inverness** (Elgin, Tain, Wick). Island court custodies will be dealt with locally if possible, exact position to be agreed as situation arises.**Denotes who telephoned - Weekly on Monday** (unless Bank holiday)**CM** - Calum McCarthy**GN** - Graeme Neil**PPE** - Gloves, Masks, Apron, Goggles, and White Suits