

HM CHIEF INSPECTOR'S ANNUAL REPORT 2019-20





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HM Inspectorate of Prisons for Scotland

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1. INTRODUCTION



Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland

Foreword by HM Chief Inspector of Prisons for Scotland

As HM Chief Inspector of Prisons for Scotland (HMCIPS), I have much pleasure in presenting my second Annual Report to the Scottish Parliament.

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. In supporting the work of the NPM, HMIPS completed four full prison inspections, one return visit inspection, three Court Custody Unit (CCU) inspections and three prisoner transport van inspections.

The average daily prison population rose sharply in 2019-20 despite fewer people being imprisoned. Following several years of steady decline, the average daily population in Scotland's prisons rose from 7,464 in 2017-18 to 8,195 in 2019-20. A total of 17,294 individuals experienced imprisonment for all or part of 2019-20 – a fall of around 15% since 2010-11 when the figure was 20,407.¹

Scotland's incarceration rate is one of the highest in Europe. A high proportion of remand prisoners, almost 25% at the time of writing this report, despite being involuntarily incarcerated, do not routinely access the available opportunities that could inhibit future

criminogenic behaviour. The culture change required to address this lost opportunity has been highlighted in many of our inspection reports. This is also a major reputational issue for Scotland; we are the country that incarcerates more people per capita than any other European country.

I have been impressed by the Scottish Prison Service (SPS) efforts to manage the additional population safely, and it is reassuring to note that in all of our prison inspections, and visits in this reporting year, staff and prisoners regularly reported feeling safe.

The emergence of the COVID-19 pandemic at the end of the reporting period was the most significant event facing Scotland and triggered a paradigm shift. HMIPS urged the Cabinet Secretary for Justice to follow the advice of the UN High Commissioner for Human Rights, Michelle Bachelet, when she called on governments to take urgent action to protect the health and safety of people in detention and other closed facilities, as part of overall efforts to contain the COVID-19 pandemic. The decisions taken by the Scottish Government and justice partners in conjunction with Health Protection Scotland (HPS) to reduce the impact of COVID-19 in an otherwise extremely vulnerable population are to be applauded and resulted in a population reduced to around 7,000.

I particularly welcomed the rapid and robust actions taken to swiftly reduce the size of the prison population through reduced court activity, emergency early release and in some measure the increased use of Home Detention Curfew (HDC). There is no doubt that the ability to safely manage the detained population and inhibit the risk of transmission has been greatly enhanced by reducing the numbers incarcerated. HMIPS believes that the restrictions which the SPS were obliged to put in place in response to COVID-19 were only taken after considerable efforts to ensure that any restrictions to the regime and freedoms were justified, necessary and proportionate. We also recognise the significant role that HPS played in determining the regime to reduce the risk. The decisive action to minimise risks has meant that there has been no explosion of COVID-19 infections in prisons, as feared, and far fewer deaths than in comparator populations. That is no mean feat, given the vulnerability and close confinement of those in prison. In addition, we can

¹ <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

report that prisoners recognised the efforts made by prison staff to keep them safe from COVID infection and prisoners' level of cooperation with a considerably reduced regime was impressive and also deserves praise.

I would like to strongly urge however that alternatives to remand or custodial sentences, currently being explored, are expedited. The SPS' efforts to maintain safety, encourage rehabilitation and reduce recidivism must not be compromised by a prison population again escalating beyond design capacity on the resumption of court activity. My earlier statement made to the Post-legislative Scrutiny Committee still stands, 'The choice is stark — either we put fewer people in prison or we recognise that we have to pay for the prison population that we do have'. (Public Audit and report on the 2018/19 audit of the Scottish Prison Service)

I was concerned that the changes introduced by the Prisons and Young Offenders Institution (Scotland) Amendment 2020 Order could provide scope for action that might contravene Article 3 of the European Convention on Human Rights. Recognising that despite the risks, we had a continued responsibility for monitoring and inspection of the treatment and conditions in which prisoners are held, we developed an adapted methodology to repurpose our scrutiny role during COVID-19. Remote monitoring and liaison visit frameworks for prisons and Court Custody Units were developed, implemented and have had demonstrable success. The unanticipated benefits of the approach will be analysed and subsequently incorporated into our working practices.

I have been impressed by the SPS' efforts to firstly manage the additional population safely, and subsequently the COVID-19 crisis. It is reassuring to note that in all of our prison inspections and visits in this reporting year, staff and prisoners mostly reported feeling safe.

While the very significant investment made in relatively recent years in new facilities at HMP Low Moss and HMP YOI Grampian is greatly welcomed, there remains an urgent need to progress development of a replacement for HMPs Barlinnie, Greenock and Inverness. In a 21st century justice system, Victorian prisons are costly to run and no longer fit-for-purpose with cramped cellular accommodation designed for one but holding two, the lack of accessible cells, and steep

narrow stairwells unsuitable for older or more infirm prisoners. These grim realities, along with the impact of HMP Barlinnie's continued use as surge capacity when prisoner numbers exceed design capacity, mean the Scottish Government and the SPS must expedite their replacement.

The work to redevelop the women's estate into a combination of Community Custody Units and a centralised state-of-the-art facility is a positive step forward, but it remains to be seen whether, without further changes in approaches to sentencing, there is sufficient capacity for the almost 400 women currently in prison.

The publication in 2019 of the CPT visit to Scotland emphasised some key points of concern and in particular the plight of women with significant mental health needs held in isolation at HMP YOI Cornton Vale. Equally the Children and Young people's Commissioner for Scotland echoed HMIPS concerns about young people and social isolation in HMP YOI Polmont. There were particular concerns about the impact of lockdown on children and young people. The link between remand, social isolation and self-harm for young people is particularly disturbing, and the Health Protection Scotland guidance to the SPS did not appear to take sufficient cognizance of the issues facing this vulnerable population. I was pleased, however, to see that HMP YOI Polmont made every effort to keep young people occupied.

One of the key factors affecting the atmosphere in a prison is the quality of relationships between prisoners and those who work in prison and CCUs. I continue to be hugely impressed that despite COVID-19, the commitment of staff and their ability to care for and protect prisoners, a substantial proportion of whom are vulnerable, continued throughout. We know, too, that some may pose a serious danger to themselves or others. Throughout the year, I have seen or heard of many examples when staff have engaged constructively with prisoners, in order to support them through their court appearance, their time in prison, and in preparation for their return to the community. I have also heard and seen examples of the compassion and care shown by staff in responding to emergencies such as suspected drug overdoses or self-harm. They too are unsung heroes. The fact that, despite the intense SPS security activities, drugs are still being brought

into our prisons remains deeply concerning, but I welcome the technology recently introduced to stem the tide particularly with the growth and availability in psychoactive substance

Overall, our monitoring and inspections indicate that prisons remain stable, orderly and reasonably calm. We continue to report a largely compliant prisoner population and some positive initiatives in many prisons to mitigate the impact of the restricted regimes. Contact with family and friends is particularly important in the absence of social visits, and I am delighted that many of my suggestions for improvement have been accepted and are either in place or under development. In cell telephony and virtual visits will protect the vital family contact and the expansion of video courts facilities will in future prevent prisoners having many hours of travel and waiting in the CCUs for minimal court appearances. These approaches will be welcome even after the current crisis.

I hold in high regard the volunteer Independent Prison Monitors (IPMs) who, on a weekly basis, monitor the conditions and treatment of people in every prison across Scotland. Their sterling work throughout the year and through the COVID-19 crisis deserves praise. I am clear that the regular monitoring of prisons by IPMs and the complimentary inspections provides the depth and breadth required of scrutiny and achieves improvements in the treatment and conditions for people in prison.

In our inspection reports we have detailed many examples of good and at times outstanding or innovative practice and in particular I would like to mention the outstanding response to COVID-19 from the agencies involved. As a country, we can take pride in how our prisons are run. Nevertheless, we must remain vigilant to the risks posed as there is currently no clear timetable for relief and some of the restrictions which the SPS was obliged to put in place in response to COVID-19 need to be lifted as soon as it is safe to do so if they are not to do unnecessary harm.

Finally, I would like to take this opportunity to thank all those who contributed to the work of HMIPS during

2019-20, with a particular thanks to our volunteer IPMs, all our Guest Inspectors from our key partner agencies who assisted us on our inspections, and of course to the SPS for their continued support and transparency.

Successes

I would like to draw attention to a number of successes achieved over the last reporting period:

Discharge Grants – in direct response to our comments the SPS introduced fairer and more equitable rates for discharge grants for young people.

IPM Guidance Document – the guidance for IPMs was revised to provide shorter, clearer guidance with improved use of embedded links for those seeking more detailed guidance.

Introduction of IPM Development Events – regional IPM development events were run in May to complement the annual conference.

Evidence-based decision-making through the development of a risk algorithm based on information received which informs decisions of which sites to visit and what the focus should be.

Inter-prison visits for IPMs were developed, piloted and implemented to encourage shared learning between different IPM teams

Monitoring action plan - this report year we improved information sharing between inspection and monitoring. Prison Monitoring Coordinators (PMC) are now part of the post inspection meetings and from that they produce a monitoring follow-up action plan based around the recommendations and good practice identified during an inspection.

Streamlined, updated and improved guidance for IPMs.



Wendy Sinclair-Gieben

**Her Majesty's Chief Inspector of Prison for Scotland
12 November 2020**

Our Purpose

The purpose of HMIPS is to inspect and monitor the treatment and conditions for prisoners in Scotland, in prisons, court custody units and GeoAmey court custody vehicles, and to report publicly on our findings. HMIPS is independent of the Scottish Prison Service (SPS), the Scottish Courts and Tribunal Service and the Scottish Government (SG), allowing us to report our findings impartially.

HMIPS inspect and monitor prisons against a set of predefined [Standards for Inspecting and Monitoring Prisons in Scotland](#), developed in conjunction with the Scottish Human Rights Commission (SHRC), and first published in March 2015, with a further refinement in May 2018 to ensure that they continue to express, as clearly as possible, our expectations under each of the Standards.

The [Standards](#) for court custody inspections were derived from the [Standards for Inspecting and Monitoring Prisons in Scotland](#), but are specifically for use in Scotland's court buildings. These Standards were refined and published in January 2020. Bespoke Standards for Court Custody Vehicle inspections were developed this year. Both sets of Standards were developed in consultation with GEOAmey, SCTS and the Scottish Court Custody and Prisoner Escort Service (SCCPES).

The information that we gather from both inspections and monitoring visits allows us to obtain both a breadth and depth of perspective. Every effort is made to ensure that our assessments are evidence-based, fair, balanced and accurate before reporting.

RESPECT FOR HUMAN RIGHTS

The lived experience of those in prison lies at the heart of our inspection and monitoring process and our Standards place the human rights approach explicitly at the core of all monitoring and inspecting activities.

INSPECTIONS

Our programme of regular inspections is informed by an assessment of risk and requirement. We undertake return visits where areas of concern are raised during inspection, supplemented by our routine ongoing monitoring by IPMs.

MONITORING

IPMs are volunteers from local communities who monitor treatment and conditions in Scotland's prisons. Each prison is monitored at least once per week. IPMs make observations about treatment and conditions and look into issues prisoners raise. Any prisoner can ask to see an IPM by any of the following routes:

- Telephoning the IPM Freephone on 0800 056 7476. Calls are confidential and free.
- Submitting a paper request form via request boxes in prisons.
- Approaching IPMs while they are visiting prisons.

THE NATIONAL PREVENTIVE MECHANISM (NPM)

The United Kingdom is a signatory to the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). HMIPS is one of 21 bodies that comprise the UK's NPM, which has a duty to regularly monitor the treatment of detainees and the conditions in which they are held.

2. OUR VISION, OUR VALUES, OUR STRATEGIC AMBITION



OUR VISION

“ALL PEOPLE IN PLACES OF DETENTION ARE TREATED HUMANELY, WITH DIGNITY AND RESPECT.”

OUR VALUES

We will demonstrate these values in the way that we work together as an organisation and in all of our interactions with our partners.

INDEPENDENCE



We will fulfil our statutory duty to report accurately, impartially and publicly concerning the treatment and conditions for prisoners in Scotland.

INTEGRITY



We will be open and transparent about our inspection and monitoring processes, and ensure our inspection and monitoring reports are accessible when we report publicly on our findings.

TRANSPARENCY



We will demonstrate the highest professional standards of behaviour and build trust with all those we engage with.

RESPECT



We will treat all people we engage with, with dignity, courtesy and respect.

OUR STRATEGIC AMBITION

“TO BE RECOGNISED GLOBALLY AS LEADING EDGE IN THE SCRUTINY OF HOW PEOPLE IN DETENTION IN SCOTLAND ARE TREATED.”

3. OUR KEY PARTNERS



Our prison inspection teams comprise HMIPS staff and subject experts from other organisations. HMIPS would like to take this opportunity to thank its key partners for their continued support. Our five key partners are:



HEALTHCARE IMPROVEMENT SCOTLAND (HIS)

HIS takes lead responsibility for inspecting Standard 9 – Health and Wellbeing. One of the biggest and often most challenging elements of prison inspections is the inspection of prisoner healthcare. Standard 9 was developed in conjunction with HIS and a range of their key stakeholders, and the quality indicators under the Standard reflect a human rights approach as well as the [Health and Social Care Standards: My support, my life](#) principles and [HIS Quality of Care Approach](#).



EDUCATION SCOTLAND

Education Scotland participate in all prison inspections and take lead responsibility for inspecting Standard 6 – Purposeful Activity. This Standard focusses on evaluating how well prisons provide employment, training and educational activities for prisoners while they serve their sentences, and is one of the key differentiators in reducing reoffending. Education Scotland also consider whether prisoners spend their time purposefully and constructively in out of cell activities, including physical education and cultural activities.



CARE INSPECTORATE

The Care Inspectorate take lead responsibility for Standard 7 – Transitions from Custody to Life in the Community. They look at what support is in place in the lead up to people being released, and importantly what support is in place once released, to assist people to reintegrate into the community and become responsible citizens.



SCOTTISH HUMAN RIGHTS COMMISSION (SHRC)

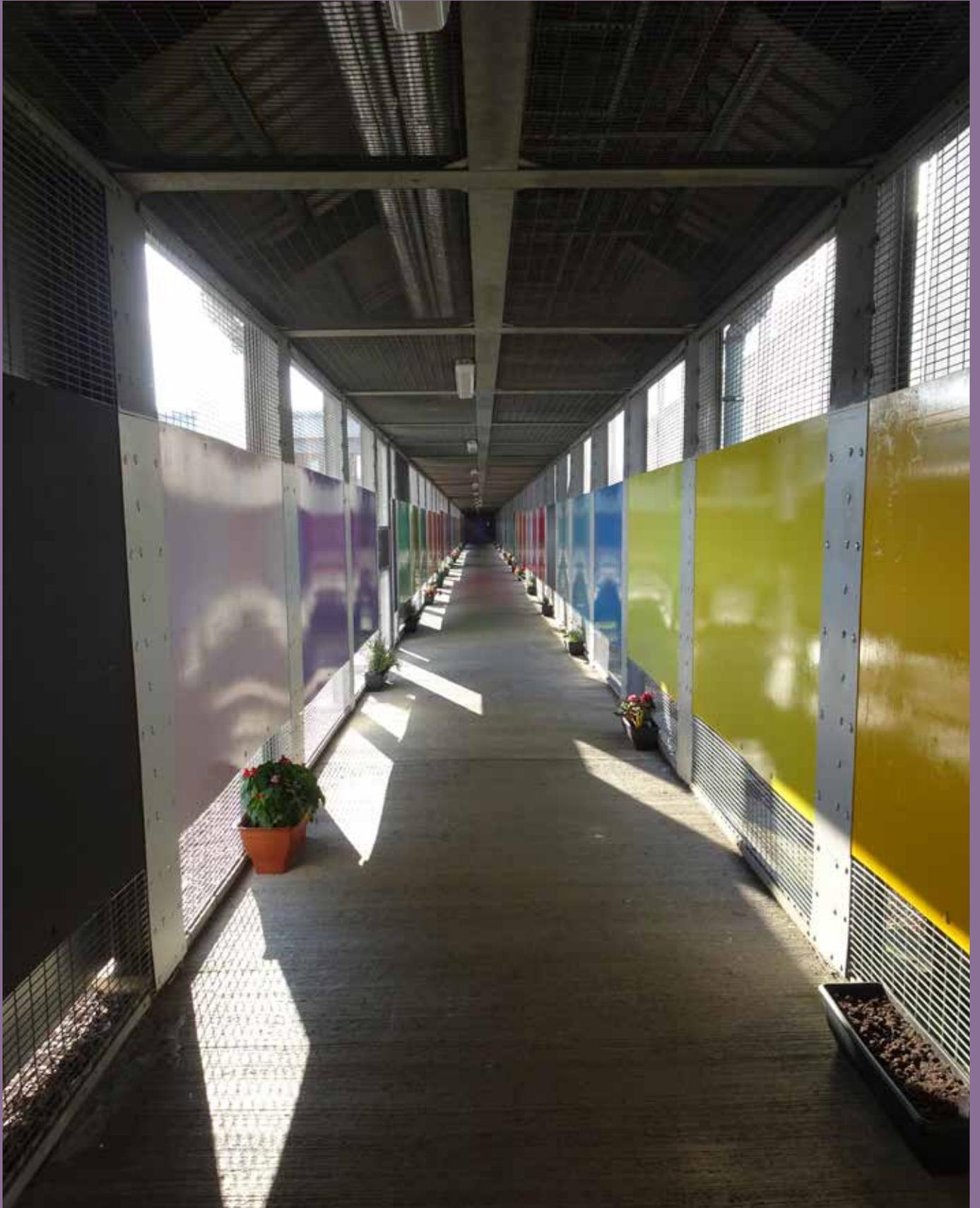
The SHRC provide an important contribution to every prison inspection by providing an expert view on whether prisoner's human rights are upheld. Their findings are incorporated into the HMIPS final report. They also assisted us in developing the revised quality indicators for our inspection and monitoring Standards, which are based on the [Panel Principles](#).



CHILDREN & YOUNG PEOPLE'S COMMISSIONER SCOTLAND (CYPCS)

The Children & Young People's Commissioner Scotland promotes and safeguards the human rights of children and young people under 18, or up to 21 if they have care experience. During prison inspections where establishments hold prisoners under the age of 18, the office of the Children & Young People's Commissioner are invited to review the prison against international human rights standards. Their findings are incorporated into the HMIPS final report.

4. THE YEAR IN BRIEF



INSPECTIONS AND OTHER REPORTS

We conducted four full prison inspections; one return visit prison inspection and three court custody unit inspections. We also piloted and completed three court custody van inspections during this reporting year.

A return visit to HMP YOI Polmont was postponed due to the COVID-19 pandemic and will be rescheduled in due course.

Following a full inspection of HMP Perth in October 2018, HMIPS undertook a return visit in November 2018 and published a report on its findings in April 2019. At that time, HMIPS and HIS recognised that it would take time to embed the improved practices. HMIPS originally intended to undertake a further return visit in late 2019. However, in discussion with HIS, subsequently agreed that a return on-site visit was not necessary at this stage, and instead the follow-up action would take a more proportionate approach of a meeting between HIS and the HMP Perth Healthcare Leadership Team. This meeting took place on 2 March 2020. The outcome was that HIS now have a level of assurance that there has been significant improvement made since the initial full inspection and the subsequent follow-up visit. A report of this meeting can be found on our website.

Our prison inspections were carried out by a multi-disciplinary team made up of HMIPS staff and staff from our key partner agencies/scrutiny bodies; whilst our court custody unit and court custody van inspections were conducted by members of HMIPS staff.

At the emergence of the COVID-19 Pandemic crisis at the end of the reporting period HMCIPS took the difficult decision on 24 March 2020 to suspend the weekly monitoring of prisons by IPMs, forthcoming inspections of prisons, and inspections of Court Custody Units (CCUs) and transport arrangements for prisoners. As one of the 21 bodies that comprise the UK's National Preventive Mechanism (NPM), HMIPS has a duty to regularly monitor the treatment of detainees and the conditions in which they are held. Recognising that responsibility, HMIPS subsequently developed an adapted scrutiny methodology to repurpose our scrutiny role and methodologies during COVID-19 to focus on the issues of most significance during the pandemic whilst recognising the pragmatic challenges

that the Justice system SPS and CCUs were facing.

HMCIPS has made it clear that “protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty” and that HMIPS will continue to monitor the treatment and conditions in which prisoners live, in line with HMIPS' Standards for Inspecting and Monitoring Prisons in Scotland. The three outcomes of scrutiny that are widely recognised are safeguarding, assurance and improvement. Targeting aspects of these outcomes helped repurpose our scrutiny response specifically to confirm that:

- prisoners and staff are safeguarded
- assure the public that we are continuing in our role of monitoring and inspecting the treatment and conditions that prisoners are held in
- improved aspects of service delivery.

The adapted methodology to scrutiny made changes to practice that are different from our usual approaches and included the development of a [Remote Monitoring Framework \(RMF\)](#) and [Liaison Visit Framework \(LVF\)](#) based on a risk-based algorithm which determines the areas of concern and the liaison visit to prisons and CCUs schedule. Delivering considerably more frequent contact through short visits from the inspection team, the adapted methodology has provided some benefits that will be retained post pandemic, although we hope to return to longer, fuller inspections when circumstances allow.

BRIEF SUMMARY OF FULL PRISON INSPECTIONS

In all four inspections, prisoners and staff reported that they felt largely safe, and there was evidence of positive and respectful relationships between staff and prisoners.

At **HMP Glenochil**, inspectors were impressed by the welcoming Family Centre and the management of older prisoners and those with disabilities. There were impressive mobility and social care facilities and an innovative peer carer process. There was a broad range of employment and training activities in good quality, purpose-built workshops. However, the opportunities were not sufficient for all prisoners who wanted to

work, and not all prison populations received equitable access to match their age, ability and preference. Inspectors were concerned with the extent of social isolation faced by non-offence protection prisoners, who were locked in their cell for long periods with very little access to any regime. The Governor immediately responded to this and changes were made to provide time out of cell. The Healthcare Team at HMP Glenochil was a well-motivated and caring workforce, committed to providing a high quality of care to their patients. Two recommendation areas from the last inspection remained an area of concern. Firstly, equality and diversity frameworks were still not fully embedded. Secondly, the staff knowledge and application of the cell sharing risk assessment process remained incomplete, which was increasingly significant with the expanded cell-sharing requirement.

The pressures on **HMP Barlinnie** were immense from poor antiquated working and living conditions, significant overcrowding as the prison that coped with any surge capacity, and a fragile infrastructure. Inspectors were nevertheless impressed with the flexible and compassionate attitudes of the staff, the dynamic leadership and the determination to deliver a professional service. However, the healthcare facilities, reception holding cells and poor accommodation stood out as areas of immediate concern. The lack of adequate accessible cells, very poor cellular accommodation designed for one person but holding two, and the ageing and fragile infrastructure indicated that the prison was physically no longer fit-for-purpose to manage the size and complexity of the population it routinely holds.



HMP Barlinnie Holding Cells

Furthermore, the availability of purposeful activity and resettlement activities was compromised by the significant overcrowding and staff shortages. The pressures of overcrowding also impacted a significant number of prisoners who were constrained to the minimum requirement of one hour's exercise in the open air, with rare or very little additional out of cell time. HMIPS very much welcomes the SG commitment to the replacement of HMP Barlinnie, however, given the length of time before a new HMP Glasgow will open, interim solutions must be urgently sought. The development of plans since our inspection for refurbishment of the reception area is therefore encouraging.

The inspection of **HMP Edinburgh** identified a number of positive findings with strong leadership and direction. In particular staff/prisoner relationships, which are at the heart of any prison, were almost universally described by prisoners and staff as positive and respectful. Health and Wellbeing was also very positive, and the structured action to promote Equality and Diversity stood out as worthy of recognition and replication across Scotland's prisons. There were many examples of good and often innovative practice, however, the inspection team were concerned that women did not have access to as wide a range of programmes and opportunities as male prisoners. Similarly, offence and non-offence protection prisoners suffered from a more restrictive regime than other prisoners, with the risk of being locked up for unacceptably long periods. The main concern for Inspectors, stemming from high staff absence, was the frequency with which work sheds had to be cancelled to provide staff to cover essential core duties in the residential areas. HMIPS urged the prison and the SPS to undertake workforce capacity modelling and make a full regime the top priority when responding to this and other inspection reports.

HMP Dumfries was a high performing establishment with strong leadership and a committed and professional staff group. The overall assessment of 'good' for Health and Wellbeing was most encouraging. The relationships between the SPS and a wide range of partner agencies, most notably the NHS, were excellent with many example of good practice between HMP Dumfries and partner agencies in the community. Crucially, prisoners felt safe and incidents of violence were very low indeed. Case management systems were robust. Employment

and training opportunities were of a good quality and available to untried prisoners, which is not often the case and most welcome. The lack of accessible cells for prisoners with disabilities was again deeply concerning. The Life Skills and Links Centre required significant capital investment and refurbishment. The other major concern related to access to assessments and programmes that are essential to progression. No offence focused programmes were delivered locally, and offence focused work in general was very limited. The need to transfer to other prisons to secure access to programmes was clearly a frustration for prisoners. Inspectors would like to see more creative approaches adopted by the SPS to providing offending behaviour opportunities locally. The structures for embedding Equality and Diversity thinking were not yet embedded and more could be done to promote understanding of other cultures and equality issues.

FULL INSPECTIONS

HMP Glenochil	29 April 2019
HMP Barlinnie	26 August 2019
HMP Edinburgh	28 October 2019
HMP Dumfries	20 January 2020

RETURN VISIT INSPECTIONS

HMP YOI Grampian	1 October 2019
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COURT CUSTODY UNIT INSPECTIONS

Livingston Sheriff Court	23 June 2019
Dumfries Sheriff Court	23 January 2020
Glasgow Sheriff Court	24 February 2020

COURT CUSTODY VAN INSPECTIONS

Prisoner transport arriving at HMP Dumfries	22 January 2020
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THEMATIC REVIEWS

Review of Who Cares – The Lived Experience of Older Prisoners in Scotland’s Prisons

Death in Custody Review

Use of Force Review

Internal Review of Independent Prison Monitoring

The published reports from the above inspections can be found on our website at:

<https://www.prisoninspectoratescotland.gov.uk>.

THE NATIONAL PREVENTIVE MECHANISM (NPM)

HMIPS attended two meetings of the UK NPM this year, in Edinburgh in November 2019 and in Belfast in March 2020.

Preparation for, and actions arising from visits from international scrutiny bodies, have formed a large proportion of the work undertaken by the NPM this year. In September 2019, a delegation from the United Nations Subcommittee on Prevention of Torture (SPT), an international body set up under OPCAT, [visited](#) the United Kingdom (UK) for the first time. The purpose of their visit was to advise the NPM on its functions and mandate, and visit places where persons are deprived of their liberty. With the members in the NPM, HMIPS invested significant time in ensuring that the SPT understood concerns about the situation in detention in the UK, the particular issues in Scotland, as well as the main challenges to meeting OPCAT responsibilities. The SPT have since communicated its observations and arising recommendations from the visit to the SG and the NPM, in a confidential report. The UK NPM plans to publish this report, along with a response in the following year.

In October 2019, the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) visited Scotland to follow-up on concerns raised during a prior visit in October 2018. The visit focused on the use of segregation and mental health care for women prisoners and issues of overcrowding and long-term segregation in the male custodial estate. The relevant NPM bodies, including HMIPS, have since been following up on the issues raised in the CPT’s report,

in their inspection and monitoring work. The NPM have asked the government to respond urgently to the report to create improvements for people in prisons in Scotland.

In March 2020, the UK NPM published its [10 year anniversary report](#). The report highlighted some significant moments in its history and celebrated the key successes achieved through member bodies working together to protect those deprived of their liberty against ill-treatment.

As well as being part of the wider NPM, HMIPS is also one of six members that make up the NPM Scottish Sub-Group, which meets to discuss Scotland-specific issues. The Scottish Sub-Group met twice this year, 2019 and February 2020.

This year, the NPM secured backing from SG to recruit a part-time Scottish assistant coordinator, to be based with HMIPS. Ewan Patterson started in October 2019, working part-time supporting the work of the NPM Scottish Sub-Group and part-time as a researcher for HMIPS.

While also spending time preparing for the visits to Scottish places of detention by the CPT and SPT delegations, in February 2020 a submission was sent to the Scottish Parliament Justice Committee by the Sub-Group on behalf of the UK NPM. The submission highlighted the findings from the CPTs follow-up visit to Scotland and the visit of the SPT in September 2019, providing a forewarning of the incoming report and its expected findings. The NPM's lack of legislative underpinning was also raised, with a call for support for ongoing efforts to be recognised in statute. The Sub-Group is awaiting a response from the Justice Committee.

The Scottish Sub-Group has also had to select a new Chair to replace Colin McKay, who left his post as Chief Executive of the Mental Welfare Commission Scotland in March 2019. Judith Robertson, Chair of the Scottish Human Rights Commission, was chosen as the new Chair of the Scottish Sub-Group.

SUBMISSIONS TO THE SCOTTISH PARLIAMENT

The [2018-19 Annual Report](#) was laid before the Scottish Parliament in August 2019.

During the period of this report we gave written evidence to the Scottish Parliament on Voting for Prisoners, Home Detention Curfew, the SPS Budget and concerns around overcrowding. HMCI's comments on HMP Barlinnie culminated in the Justice Committee visiting HMP Barlinnie and finding the conditions there gravely concerning, while paying tribute to the hard work of staff. HMIPS also gave evidence at The Public Audit and Post-Legislative Scrutiny Committee, "The 2018/19 Audit of the Scottish Prison Service".

FREEDOM OF INFORMATION

Four requests were received during this reporting period and responded to within the agreed time limits.

5. PRISON INSPECTION



RATINGS KEY

Rating	Definition
 Good performance	Indicates good performance which may constitute a practice worthy of sharing .
 Satisfactory performance	Indicates overall satisfactory performance .
 Generally acceptable performance	Indicates generally acceptable performance though some improvements are required.
 Poor performance	Indicates poor performance and will be accompanied by a statement of what requires to be addressed.
 Unacceptable performance	Indicates unacceptable performance that requires immediate attention.
 Not applicable	Quality indicator is not applicable .

SUMMARY OF INSPECTION RATINGS FOR 2019-20

Standard	HMP Glenochil	HMP Barlinnie	HMP YOI Edinburgh	HMP YOI Dumfries
1 Lawful and transparent custody				
2 Decency				
3 Personal safety				
4 Effective, courteous and humane exercise of authority				
5 Respect, autonomy and protection against mistreatment				
6 Purposeful activity				
7 Transitions from custody to life in the community				
8 Organisational effectiveness				
9 Health and wellbeing				

OUR FINDINGS

Encouraging Observations

Staff/Prisoner Relationships

Positive relationships are key to the successful running of a prison. During this reporting year, SPS, NHS, third sector staff and prisoners consistently reported that relationships between them were generally positive and that they felt safe. It was encouraging for Inspectors to observe these positive relationships and interactions, built on mutual respect. On numerous occasions IPMs and Inspectors observed outstanding compassion and care from staff dealing with very vulnerable prisoners.

In HMP Glenochil, there were pockets of good practice, where collaborative working with vulnerable prisoners was utilised to negotiate the most appropriate way to meet their personal safety needs. This was clear in the collaborative approach of SPS and NHS staff in supporting prisoners at risk of self-harm or suicide. The support and assistance on offer to three prisoners on the SPS Suicide Strategy - Talk to Me (TTM), at the time of the inspection, evidenced a compassionate and psychological approach to care that included the individual at all stages.

Prison Visitor Centres

Prison Visitor Centre's are vital to the support and services available to the families and friends of those held in custody. The Prison Visitor Centres that Inspectors saw during this reporting year had an impressive level of engagement with visitors and provided a very welcome level of support to families within a friendly, warm and hospitable environment.

For example, the Visitor Centre at HMP Glenochil provided a warm and welcoming atmosphere and free beverages, soup and snacks to all visitors prior to the search process. It also provided free soup packs, toothbrushes, toothpaste and fresh fruit for visitors to take away after the visit.

However it was the Visitor Centre at HMP Edinburgh and the cooperation between Barnardos and the SPS staff that stood out as excellent and represented good practice.



HMP Edinburgh Visitor Centre

Education

Generally, the processes in place for allocating work to prisoners were clear. In HMP Dumfries, the 'Lets Cook' programme offered a useful introduction to personal and professional cookery, as well as developing employability and life skills. Over the three year period, 75% of those undertaking the programme had remained outside the prison system. The inspectorate appreciated all courses that delivered qualifications within job sectors that provided employment opportunities on release, for example, HMP Edinburgh, prisoners could complete an 'On Premises' Laundry Qualification as part of British Institute of Cleaning Science which linked to full-time employment in professional washing services.

Prisoners were provided with an appropriate and sufficient range of educational opportunities. For most prisoners, learning activities met their educational needs well. All of the establishments used Personal Learning Plans for individuals. The quality of learning and teaching provided by Fife College was good, and there were high levels of external certification provided. In HMP Edinburgh, distance learning and individual learning in the residential halls was supported by staff and three peer mentors. For most prisoners, learning activities met their educational needs but across Scotland there was insufficient capacity to accommodate the growth in population and high remand and protection cohorts.



HMP Edinburgh Crafts Workshop

The standards of gymnasium facilities and equipment were good in all prisons visited. HMP Barlinnie had good quality sports facilities that catered for a wide range of interests, needs and abilities with an emphasis on reaching all parts of the population.

External partnerships worked well where they were in place, for example in HMP Barlinnie, a “Fit for Life” programme, designed in conjunction with the University of Glasgow, provided groups of prisoners with certificated programmes linked to health improvement and wellbeing. HMIPS welcomed the productive partnership with “Street Soccer” that resulted in a popular six-week course for prisoners involving both practical football coaching sessions and theory work in many Scottish Prisons. Prisoners liberated to the Glasgow area had the opportunity to continue links with the organisation upon release at

their drop-in centre and in conjunction with Glasgow Life, HMP Barlinnie ran a scheme that provided prisoners free access to local gyms for a period of time on release.

Partnerships where they exist with the local authorities for library provision bring benefits in the quality of service, availability of literature and reference material and links to the Education departments.



HMP Glenochil Garden Work Shed

Healthcare

From 1 April 2019 to 31 March 2020, five prisons were inspected in partnership with HIS using the revised inspection standards (four full inspections and one follow-up inspection). A follow-up meeting with one prison also took place.

A follow-up inspection to HMP YOI Grampian took place to look at the progress made against the recommendations made in the previous inspection in February 2019. This inspection was not graded, but HIS noted improvements.

In addition to this, the prison inspection team also met with senior managers at HMP Perth to discuss the progress made since the last inspection in November 2018. Inspectors saw a range of evidence that demonstrated significant progress with particular emphasis on partnership working to deliver a human rights and person-centred approach towards the delivery of health care.

Inspectors were pleased to see that many prisons were now adopting a collaborative approach to deliver care

and improve health outcomes for patients. Inspectors noted and appreciated the joint working across teams within the prisons and externally with third sector agencies, secondary care, community groups and professionals. They also saw evidence of healthcare and social care staff working together in conjunction with patients to develop social care plans. Many of the mental health assessments and care plans reviewed had been developed following a holistic approach towards care. One prison had developed a standardised discharge tool which shared relevant information to the receiving services when the prisoner was released and it would be helpful to see that replicated.

Inspectors saw evidence of prisons embracing a very welcome person-centred approach to care planning for patients with palliative care needs. Inspectors noted that patients were reviewed regularly, and good practice was noted where in one prison they were reviewed every two weeks, and were very much involved in developing their own care plan. Recognised pathways were followed and palliative care specialist input was sought.

Peer Mentoring

Many of the prisons we visited this year had excellent peer mentoring systems in place, where prisoners were trained to support other prisoners in a range of areas. We also appreciated the recommencement of the Prisoner Listener Scheme under the Samaritans.

For example, HMP Glenochil had a peer carer process in place to assist the high number of prisoners who required additional support to carry out daily tasks and in HMP Edinburgh, peer supporters and staff co-delivered the induction programme and supported learning in the residential halls. These examples are greeted positively by prisoners and should be recognised as good practice.

Transitions from prison to the community

Across all prisons visited, Link Centres were well established and resourced and community-based services, including third sector agencies, had a clear profile. Specific examples of supporting prisoners preparing for transition included a 'life skills course' in HMP Glenochil, translation services in HMP Barlinnie and community-based services targeted at short-term prisoners (STPs) in HMP Edinburgh.

There was evidence across all four prisons that external partner agencies, particularly community-based justice social work services, were involved in release planning for prisoners subject to statutory supervision on release. In HMP Dumfries there was a strong link between prison-based health staff and community-based services, which helped to ensure individuals could get the help they needed timeously.

The ICM process in HMP Glenochil, HMP Edinburgh and HMP Dumfries worked particularly well for prisoners subject to statutory supervision upon release. All reports noted that community-based services were involved in planning for release, supported by effective communication between prison-based and community-based social work services. The ICM process could be improved by increased availability of independent advocacy in HMP Glenochil, involvement of personal officers in all prisons and updating report writing systems in HMP Barlinnie.

With the exception of HMP Dumfries, Inspectors found that a range of offence-focused and personal change programmes were being delivered. In HMP Barlinnie, Inspectors reported positively on the development of the 'recovery café' model in the prison and important links with community-based recovery cafés, supporting transition to the community. In HMP Dumfries there was positive evidence that mental health and addiction services were helping vulnerable individuals to access ongoing support.

In all four prisons, whilst the experience of pre-release planning for STPs was limited, most long-term prisoners (LTPs) benefited from a robust planning process which addressed their needs and enabled them to contribute fully. In HMPs Glenochil and Dumfries, Inspectors reported positively on the involvement of family where appropriate. With the exception of HMP Barlinnie, Inspectors noted the full involvement of statutory partners and community-based services. In HMP Dumfries a review of case management processes had led to a number of improvements including more robust oversight.

All inspections commented on the need to improve awareness of the TSO role or other supports available for returning to the community. The TSO role was suspended in September 2019 and this raised significant concerns in all inspections. Where there had been recent experience, TSOs were viewed positively as

a support for individuals transitioning successfully back to the community. The impact of this change will need to be evaluated later in 2020. In HMP Dumfries monthly multi-agency meetings were attempting to track prisoners due for release and identify services who could provide support.



HMP Barlinnie Gardens

Concerns

Population Management

In the previous 12 years Scotland's prisons had seen an investment in infrastructure and innovation that transformed the prison landscape and gave Scotland credibility for enlightened penology, architecture and design on an international stage. In the recent years, however, Scotland has been in danger of undermining that reputation through overcrowding and continued reliance on antiquated Victorian prisons that are not fit-for-purpose.

In this reporting year, for example, the SPS was under significant pressure with the prison population steadily above 8,200 and congruently low numbers on HDC. This represents an increase since 2018 of about 700, equivalent to one additional large prison.

For example, HMP Barlinnie is the largest prison in Scotland, and the original catalyst for investment in the aftermath of the Napier judgement. It was all the more disappointing therefore, that the evidence from our inspection of HMP Barlinnie gave the Inspectorate, and the Scottish Human Rights Commission, serious concern that the aged and antiquated prison is no longer capable of providing decent and humane incarceration for such

high numbers of prisoners. This picture of overcrowding was not limited to Barlinnie however but replicated in many of Scotland's prisons, where single cells designed for one were holding two, where the number of prisoners requiring accessible cells far exceeded the capacity and where rehabilitation opportunities were hugely inhibited by the pressure of overcrowding.



HMP Barlinnie National Top End Building

The negative effect of overcrowding on the regime being offered to prisoners was obvious. HMIPS were particularly concerned with the unintended consequences of social isolation for young people, remand, protection and disabled prisoners, the challenges with health and social care services, progression, purposeful activity uptake and the inexorable rise in incidents related to New Psychoactive Substances (NPS). HMIPS found regimes where the basic rights and entitlements of these groups were significantly compromised.

In HMP Glenochil, there were issues around the non-offence protection prisoners regime and the impact this may have on their ability to maintain levels of personal cleanliness. The conditions of this group of prisoners was not in any way conducive to good physical or mental health and they had no access at all to the gym or fitness activities.

In HMP Barlinnie, the availability of purposeful activity was compromised by the overcrowding and staff shortages. The pressures of overcrowding meant that significant numbers of prisoners were constrained to the minimum requirement of one hour's exercise in the open

air with very little additional out of cell time even before the restrictions imposed in response to COVID-19.

It is a legal requirement for all prisoners to have at least one hour in the open air each day, and this should be offered at a reasonable time. They should not be restricted unnecessarily in their cells as a result of any form of informal isolation. In some cases, this could be considered as prolonged isolation under international human rights standards. Article 44 of the Mandela Rules, confirmed in the UK's NPM guidance, defines solitary confinement as:

“... the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.”

Drugs

The illegal use of NPS and in 2020 the rapid increase in street valium being used in prisons influenced many of the difficulties experienced in Scotland's Prisons with significant links to poor health outcomes and violent and refractory challenging behaviour. The introduction of tools to stem the flow of illegal drugs was slow, but the inspectorate welcomed the roll out of Rapiscan machines to all establishments. Substance misuse is an ongoing challenge within prisons and the community, but HMIPS were pleased to see excellent partnership working between establishments and the community. This resulted in positive initiatives like recovery cafés providing the bridge between prison and the community and the support to become and maintain a drug free lifestyle. The need for continued work on substance misuse must therefore remain a priority area.

Prescribing practices between establishments varied and was one of the most frequent complaints from prisoners who transferred between establishments where their prescriptions were changed. We have frequently reported on the need for the introduction of a national formulary and electronic prescribing to reduce this level of complaints, frustration and bring a consistent approach to prisoner health.

Equality and Diversity

A common theme that has given HMIPS cause for concern over the last two reporting years, is the lack of consistent strategic planning and management of equality and diversity within prison establishments. A greater level of attention to the needs of prisoners who are vulnerable, marginalised, or have protected characteristics would enhance the treatment of all prisoners, and there is a need for greater focus on the monitoring, tracking and reporting of protected characteristics.

In HMP Glenochil, there was a need to embed a culture of support for the human rights of all prisoners, with implementation of an agreed Equality and Diversity Action Plan and systematic roll out of Equality and Diversity Impact Assessments. In HMP Barlinnie, there was a lack of a visible direction and support for the Equality and Diversity agenda and a lack of a clear action plan. In HMP Dumfries, the Equality and Diversity structure and prisoner engagement was not embedded and they had yet to develop an action plan.

It is imperative that prisons across Scotland continue to take a proactive approach to engage with and support prisoners who face barriers to full participation, in order to ensure their individual needs and requirements are met. Processes must be in place to ensure that all prisoners, particularly those for whom English is not their first language, receive information on the prison regime, rules and entitlements, and matters of authority, in a form that they can understand to help safeguard themselves from mistreatment.

All prisoners should have equity of access to the full range of opportunities, supports and interventions available in prison. Staff knowledge of human rights and equality duties under the law supports their ability to deliver a human rights-based approach.

The SPS Corporate Plan 2019-22 set out the direction and priorities for the SPS, and with the reinvigorated focus overseen by the SPS Equality and Diversity Steering Group we anticipated in 2019 an improved position in the next reporting year. This has still a long way to go before being embedded in every prison.

Accessible cells

In every prison inspected there was evidence of a lack of capacity of accessible cells with the growth in the population of the need for accessible cells. Prisons are largely designed for a predominantly young and able population; in contrast to the last decade which has seen an influx of older and less able prisoners. In addition the lack of clarity on funding saw inspectors increasingly concerned about the number of prisoners whose needs were not able to be managed within the fabric of the available buildings. As an example, one prisoner had been properly assessed and a care plan developed by the NHS on admission that clearly delineated the essential adaptations needed for his ability to access activities and self-manage in a cell. The adaptations had not been delivered within a reasonable timeframe, he had been waiting over nine months, and the inspectors were not given a guarantee when they would be delivered. A survey of the need for accessible cells or aids against the current estate needs to be completed, the funding for adaptations or aids agreed with the NHS and the ongoing situation routinely monitored.

Safer Cells

In keeping with our findings from last year, the conditions found within 'safer' cells were at times unsuitable and inappropriate for their intended use. The lack of an appropriate bed frame, a place to sit and eat a meal, or access to power fell far short of what should be provided for individuals who are identified as vulnerable. The SPS must, as a matter of urgency, ensure that these cells are reviewed, to provide an acceptable environment for someone who requires additional support or heightened supervision.

The definition of a safer cell has still to be defined following the launch of the SPS Suicide and Prevention Strategy - Talk to Me in December 2016, and the subsequent revisions in 2018, and we would urge the SPS to introduce a safer cell definition to assist establishments to provide the best care for those in crisis. The SPS should consider making access to media in a safer cell a default position, and only remove it if it is considered by staff to be detrimental to someone's mental health.



Example of a Safer Cell

Healthcare

As in previous years, many of the challenges faced by the prisons inspected reflect the ongoing national challenges, listed below, associated with delivering healthcare within the prison environment.

- Lack of a coordinated and integrated approach across the regional NHS health providers.
- Continued increase in both the general prison population and those with long-term conditions and no extra funding to reflect the impact of this on healthcare provision.
- No dedicated system for electronic prescribing.
- Ongoing challenges with the recruitment and retention of staff and maintaining appropriate levels of skill mix.
- No national prescribing formulary.
- Inadequate IT systems.

In addition to this, not all prisons have a Home Office Controlled Drugs Licence in place, which we have escalated for resolution.

All prisons continue to face challenges with staff recruitment and retention, and ensuring and maintaining an appropriate skill mix of staff. With the rising prison population they are finding that their ability to deliver healthcare services is being impacted upon. Inspectors found that some senior staff were

unable to carry out management and leadership duties, staff shortages meant clinical and line management supervision was limited and not all staff were able to access mandatory training, the management of patients with long-term conditions, those with physical healthcare needs and ensuring patients are able to attend clinical appointments.

As the aging prison population increases it is likely that the number of people with long-term conditions will also increase, as well as those requiring palliative or end of life care. All prisons should ensure that they have the appropriate mechanisms in place to identify those with a long-term conditions and ensure they receive the appropriate treatment and support with managing their condition.

Likewise, the administration of medications continues to be of concern. In some prisons, the length of time required to complete the daily medication rounds is detrimental to the prison regime and medications were not always given to patients at clinically appropriate times. NHS and SPS staff should work together to ensure that their medicines management policies and procedures do not have a detrimental impact on the running of the prison and on patient safety. All medicines should be given to patients at clinically appropriate times from areas that are fully compliant with infection control; staff should be supported to administer specific medications in line with guidance. Daily medication rounds should be reviewed to minimise their impact on the prison regime and information should be recorded accurately and clearly within all patients' kardex's.

Access to Opiate Replacement Therapy continued to be inconsistent between prisons and often did not reflect the practice in the community. Variations in prescribing practices between different prisons and between the community and prisons was a cause of dissatisfaction among patients and was unsatisfactory. There continues to be a need for a national formulary and IT prescribing system.

Some prisons did not have standardised mental health and learning disability clinical assessment documentation and clinical risk tools in place. Finally all prisons should ensure that they have arrangements in place to ensure they have a Home Office Controlled Drugs License.

Education, Employment and Purposeful Activity

Our inspections and monitoring evidenced that the provision of education and employment was inhibited by the population growth experienced and staff shortages either through high absence levels or out of date staffing profiles that did not reflect the current population requirements. While the range of educational options was generally good, this was not true for all prisoner groups. For example there were very few options for women or untried prisoners in HMP Edinburgh. There is a cultural shift required to ensure that rehabilitative opportunities should be offered to all cohorts of the population and, apart from offending behaviour programmes, not limited to convicted prisoners only; the lack of access to some forms of purposeful activity also adds to the social isolation experienced by many prisoners.



HMP Edinburgh Prisoner Artwork

Issues regarding staffing availability to support both access to work and educational opportunities for prisoners was a key theme from monitoring and inspections and HMIPS suggest that workforce capacity modelling, aligned to population and prisoner needs, should be addressed. For example, in HMP Barlinnie, the availability of purposeful activity was compromised by the overcrowding and staff shortages, leaving significant numbers of prisoners constrained to the minimum requirement of one hour's exercise in the open air with very little additional out of cell time.

The result of staff shortages saw more than one third of opportunities across all four inspections being unavailable on any one day. There were waiting lists

in all prisons inspected, and yet attendance in any one class on a daily basis was around half of all participants.

The systems in place for allocating work should reflect prisoner needs more fully as the number of employment opportunities and attendance at such opportunities fell far short of expectations. Consideration should be given to extending the availability, range of options and ensuring encouragement and support to attend for all cohorts of the population. All four prisons experienced a lack of support and encouragement from staff in halls.

Access to gyms was variable for different prisoner cohorts. In HMP Glenochil, there were also issues around the non-offence protection prisoners regime and the impact this may have on their ability to maintain levels of personal cleanliness. The conditions for this group of prisoners were not in any way conducive to good physical or mental health and they had no access at all to the gym or fitness activities. In all prisons, outside activity was limited in spite of a great level of prisoner enthusiasm to train outdoors, the exception being the extensive use of the outdoor football facility at HMP Barlinnie.

Library facilities were very variable across the four inspections and there was limited promotion and support for library facilities. The library in HMP Glenochil was modern, pleasant and purpose built, but it was not currently well managed. Barlinnie's library was too small and not suitable, but was managed well. Links with the local authority, for example the links HMP Barlinnie had with Glasgow Life ensured stock rotation and inter-library loans were available. In HMP Edinburgh there was insufficient space for reading. With the exception of HMP Barlinnie, there was limited promotion of reading through competitions and activities. In HMP Glenochil in particular there was no prisoner consultation, no events and no promotion of awareness of the library. Access to the main library for remand prisoners was still a difficulty in most prisons.

Low numbers of vocational qualifications were being offered in three of the prisons visited. In HMP Glenochil, only qualifications in painting/decorating and barbering were on offer, despite approval and potential to offer a broader range of qualifications.



HMP Glenochil – Example of work from Woodwork Shed

Peer mentoring and support was adequate in all prisons, but could be expanded as numbers were low. The Chaplaincy and Education Units continue to be central to organising social or cultural events, although these were seldom coordinated across the prison. HMP Glenochil in particular had no-one with cross prison overview, no prisoner consultation and very few activities offered. HMP Barlinnie had a good range of events built on good partnerships with external agencies, but limited planning and no coordination. In addition only a small percentage of the available population were facilitated to attend. HMP Edinburgh offered a limited range of activities, although it did well in Koestler awards and in recognising achievement. There was, overall, a lack of promotion and understanding of other cultures or religions as part of the education commitment.

Progression

Last year we reported that the issue of progression, particularly in terms of access to programmes, was a significant concern. Our concerns have not changed. The SPS have moved to a national waiting list for all offending behaviour programmes, however we are not yet seeing any positive effects from this change. We found that a significant number of prisoners were not able to progress appropriately through their sentence due to a lack of availability of, or capacity within, treatment programmes. There are lengthy waiting lists for many key programmes. There were also difficulties transferring prisoners to the relevant establishment to complete the programmes due to national population

issues. All of this means that a substantial number of prisoners are not able to complete the required programmes for them to be considered for parole. Of equal or even greater concern is that prisoners are at risk of being released into the community without having completed treatment programmes designed to reduce future reoffending.

Furthermore there was a clear need to reduce the backlog of General Purpose Assessment (GPA) and improve the rate of completion of post-programme reports, and the SPS should review the level of provision and availability of the MF: MC programme in order to improve timely access to this resource.

In HMP Glenochil, the backlog of GPA and the rate of completion of post-programme reports was a concern. In HMP Edinburgh, there was a need to review the workload of the Prison-Based Social Work Team to ensure that adequate resources are in place to sustain the delivery of a high quality social work service against the backdrop of increasing demands on statutory work and again the backlog of generic programme assessments needed to be addressed to improve access to programmes for all eligible prisoners. HMP Dumfries were not delivering any accredited programmes and offence-focused work was very limited. This affected all prisoners regardless of length of sentence and required prisoners to transfer to undertake any offending behaviour programmes. Research should be commissioned to better understand the impact of transferring prisoners to another prison to undertake programmes, and the extent of withdrawal from progression by individual prisoners as a consequence. Additional options should be considered.

Personal Officer Scheme

The use of Personal Officers is considered good practice. However, in line with our findings from last year, we found variable practice. The pressures of overcrowding reduced the capacity for consistent contact between prisoners and identified Personal Officers. There is a need for a more defined Personal Officer Scheme, with protected time, to improve the delivery of this function. Further national guidance and training is required to support the development of consistent and effective case management practice by Personal Officers. HMIPS recognise this may come at a cost, but reducing the unnecessary transactional duties and giving more time to relationship management,

along with the introduction of technology, could assist.

In HMP Barlinnie there was insufficient time available for Personal Offices to do progression planning, which could affect release dates. In some areas of HMP Edinburgh the scheme was well established and functioned appropriately, but in other areas staff shortages and a lack of training and support meant it worked less well. Steps should be taken to ensure that Personal Officers engage with and prepare individuals appropriately for ICM meetings.

Throughcare Support Officers

During this reporting period the SPS took the difficult decision to suspend the Throughcare Support Officer scheme to help address staff resourcing issues elsewhere in Scotland's prisons. This is very disappointing as it provided a valuable and effective service and made a significant contribution to the successful resettlement of prisoners on release. We reported in our 2018-19 Annual Report some really good examples of the work they, and other enthusiastic and motivated staff, undertook to support individuals for release and best prepare them for the transition from custody back into the community. A clear plan is required to address the gap in provision and restore the service at the earliest opportunity.

Transition from custody to the community

There is inconsistency in the provision of accommodation for prisoners on release and this is something HMIPS will be pursuing in the next reporting year. Our inspections found that HMP Glenochil needs to take steps to establish a more fully functioning Link Centre, which has the involvement, and participation of relevant community-based agencies, with a role in supporting prisoner resettlement. HMP Glenochil should ensure that appropriate assessments are undertaken in respect of STPs and that community integration plans are in place to suitably support their preparation for release. They should also progress the implementation of the SHORE standards in order to ensure that prisoners' housing needs are identified at an early stage in their sentence, and to ensure individuals have the opportunity to access suitable housing following release from prison. HMP Glenochil should review the staffing levels in order to ensure that all eligible prisoners have the opportunity to access the service.



HMP Barlinnie should monitor where prisoner progression has been hindered by a delay in receiving reports, and plans should be put in place to reduce these delays. Funding should be made available to HMP Barlinnie to continue the Recovery Café. HMP Barlinnie should seek to deliver co-produced throughcare plans, and the SPS need to undertake workforce capacity modelling to ensure the rehabilitative needs of all prisoners are addressed.

HMP Edinburgh should ensure that all prisoners have an opportunity to participate in the preparation of a release plan and engage with appropriate services to support community integration on release. They should also review the workload of the Prison-Based Social Work Team to ensure that adequate resources are in place to sustain the delivery of a high-quality social work service against the backdrop of increasing demands in statutory work. HMP Edinburgh should ensure that a clear plan is put in place to address the gap in provision of throughcare support following the suspension of the TSO service, so that all eligible prisoners have the opportunity to participate in effective pre-release planning.

HMP Dumfries should ensure that prisoners are empowered to engage with services and the Governor should ensure that good information on services is freely available and in an accessible format. The Governor should take steps to improve the timely completion of generic programme assessments and develop a strategy to improve access to offence-focused interventions. To maximise prisoner participation in HMP Dumfries, the Governor should ensure that awareness sessions with prison staff continue and include how all staff can empower prisoners to be meaningfully involved in the development and review of coordinated plans for their release.

6. INDEPENDENT PRISON MONITORING



INDEPENDENT PRISON MONITORING ADVISORY GROUP (IPMAG)



Dr Alan Mitchell Chair, IPMAG

IPMAG Members 2019-20

- Dr Alan Mitchell, Chair, Commissioner, SHRC and UK member of the CPT
- Jim McManus, Deputy Chair and former UK member of the CPT
- David Croft, former Deputy Director of Prisons for the SPS and former Governor-in-Charge of HMP Edinburgh (*stood down during the reporting period*)
- Dan Gunn, former Director of Operations for the SPS
- Pete White, founder and Chief Executive of Positive Prisons? Positive Futures
- Marilyn Stenhouse, IPM at HMP YOI Cornton Vale
- Catherine Mullen, IPM at HMP & YOI Grampian (*stood down during the reporting period*)
- Fiona Govan, IPM at HMP Greenock
- Hugh McGloin, IPM at HMP Low Moss
- Howard McKenzie, IPM at HMP YOI Polmont (*stood down during the reporting period*)
- Muriel Mowat, IPM at HMP YOI Polmont
- Katherine Mackie, retired Sheriff and Advisor to Community Justice Scotland Board (*appointed during this reporting period*)

- James Crichton, former Chief Executive of the State Hospital (*appointed during this reporting period*)

In addition, HMCIPS is a member of the IPMAG, along with the Deputy Chief Inspector of Prisons and the HMIPS Prison Monitoring Coordinators. A representative from the Scottish Government's Justice Directorate is also invited to each meeting as an observer.

During the 2019-20 reporting year, David Croft, Catherine Mullen and Howard Mackenzie stood down from their roles on the IPMAG. HMIPS is grateful to them for their invaluable assistance in establishing oversight of prison monitoring in Scotland.

The IPMAG met on four occasions during 2019-20. Their discussions included:

- Approval of a revised IPM Guidance document; focused on making the document more user friendly.
- The appropriateness of holding prisoners with mental health difficulties in Separation and Reintegration Units (SRUs), and improving how IPMs monitor SRUs.
- The CPTs 2018 report on Scottish prisons, and recommendations for future monitoring activity.
- The adverse impact that the rising prisoner population and increasing staff absence has had on the capacity for prison establishments to deliver a full regime to all prisoner groups, including access to prisoner programmes and progression.
- The inconsistency of healthcare provision across the estate, and frustration at a perceived lack of progress by the Health and Justice Collaboration Board in addressing a number of these issues.
- The issues raised by IPMs for the IPMAG to advise.
- The introduction of regional training events.
- The development of a suite of cards, that provide 'aide memoirs' for IPMs to support their prison knowledge and practice.
- A review of the structure of the IPMAG.

SUMMARY OF PERFORMANCE

2019-20 was the fourth full year of the operation of Independent Prison Monitoring, the responsibility of HMCIPS since August 2015, with over 120 IPMs ensuring that every prison in Scotland is visited each week to monitor the conditions and treatment in prison, through observing practice, and responding to prisoners' requests for assistance. During this time, IPMs volunteered over 4,500 hours of their time monitoring Scotland's prisons on 948 occasions and dealing with more than 1,000 requests from prisoners.



IPMs volunteered over
4,500 HOURS OF THEIR TIME
monitoring Scotland's
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IPMs visited prisons on
948 OCCASIONS
during 2019/20



IPMs dealt with more than
1,000 REQUESTS
for prisoners during 2019/20

Region (of Scotland)	Prison	Average prison population 2019-20	IPM Visits	Prisoner Requests
1	HMP YOI Grampian	457	62	89
	HMP Inverness	116	61	10
	HMP Castle Huntly	185	52	13
	HMP Perth	697	56	108
2	HMP YOI Cornton Vale	99	54	47
	HMP Glenochil	728	62	103
	HM YOI Polmont	470	51	25
	HMP Shotts	542	61	69
3	HMP Dumfries	194	53	32
	HMP Greenock	211	58	26
	HMP Kilmarnock	593	57	57
	HMP Low Moss	814	60	71
4	HMP Barlinnie	1409	69	123
	HMP Edinburgh	910	109	154
	HMP Addiewell	779	83	120
TOTAL		8204	948	1047

Note: Data provided from the SPS

Note: In the last two weeks of the year there were no visits to prisons due to COVID-19. Therefore HMP YOI Polmont has met the required number of visits prior to the lockdown.

OUR FINDINGS

IPMs' findings were communicated regularly to prison Governors and Directors throughout 2019-20 both verbally and formally at quarterly meetings. Annual monitoring reports relating to each prison can be found at Annex A of this report.

Over 1000 requests were received from prisoners across Scotland in 2019-20 (an increase of 100 on the previous year). While individual prisons had their own local challenges, the two main areas of concern identified by IPMs centred on health care and progression.

As reported in last year's annual report, concerns relating to healthcare included different prescribing practices across the healthcare providers. There has been some evidence of national approaches to prescribing (for example changes to the classification of pregabalin and gabapentin) however there is still evidence of differences across Scotland, and this has affected prisoners, for example when they transfer between prisons.

With regards to concerns around the issue of progression, prisoners in the main have expressed their frustration with the waiting list process, which was nationalised leaving no local influence with prison management, and prisoners therefore perceiving a lack of progression opportunities at the prisons in which they resided. As previously indicated, the capacity issues in the progression system must be addressed.

We remain concerned that prisoners may see IPMs as an alternative route to expedite their complaints. IPMs have been encouraged to ensure that prisoners have first made use of the SPS and NHS complaints processes before initiating an IPM investigation. HMIPS is piloting a new approach to monitoring which will place more emphasis on monitoring standards, while ensuring prisoners receive fair treatment.

We have been encouraged to see improvements being implemented as establishments respond positively to the observations and findings of IPMs. Some of these changes have related to the circumstances of individual prisoners, while others have led to improvements in processes affecting the wider population in the prison.

HMIPS have been grateful for the consistent co-operation and support shown by Governors and staff in every prison.

HMIPS has continued to build a strong relationship between monitoring and inspection. Prison Monitoring Coordinators now form part of our Inspection Teams, bringing the knowledge and experience of IPMs to the inspection process. Similarly, the inspection process now forms, as a matter of course, themes for future monitoring activity.

We are grateful to the IPMAG for their support in reviewing the operation of independent prison monitoring. The group is currently reviewing its terms of reference and processes to ensure it continues to offer the best support possible.

7. CHALLENGES THE CRIMINAL JUSTICE SYSTEM



CHALLENGES FOR THE CRIMINAL JUSTICE SYSTEM

The criminal justice system in Scotland is facing a number of strategic issues that require a coordinated response.

Response to COVID-19 pandemic

It is understandable that in the immediate aftermath of a sudden shutdown, combined with the urgent need to prevent catastrophic levels of infection, restrictions on the daily regime and opportunities available to prisoners had to be imposed, and that there have been some inconsistencies and negative impacts. However, our main concern at this stage is the risk that the huge benefits of a reduced prisoner population could begin to be reversed in the year ahead when court activity resumes in earnest. The possibility that the backlog will engender an even higher population places undue pressure on establishments that suffered the evils of overcrowding before the pandemic.

I would like to strongly urge that alternatives to custodial sentences, currently being explored, are expedited without delay. Community alternatives, particularly for remand, women and young people would be a welcome shift. The SPS efforts to maintain safety, encourage rehabilitation and reduce recidivism must not be compromised by a prison population again escalating beyond design capacity. My earlier statement made to the Post-legislative Scrutiny Committee still stands 'The choice is stark—either we put fewer people in prison or we recognise that we have to pay for the prison population that we do have'. (Public Audit and report on the 2018/19 audit of the Scottish Prison Service)

While it is clearly important to ensure that robust infection control measures remain in place for as long as necessary, the risk of prisoner frustrations building up could create a different set of serious risks. Purposeful activity and rehabilitative work are central to the successful rehabilitation of prisoners, maintaining good order, and also the protection of the public. We will therefore be monitoring the impact and outcomes of the SPS recovery plans as they are rolled-out, as well as the impact of the resumption of court activity.



The use and effect of remand

The remand population has significantly increased under COVID and at the time of publication of this report was standing at above 23% of the prison population, more than double the remand figures experienced in other western jurisdictions apart from the USA. A determined approach to reducing the percentage of remand prisoners in custody is required.

We support the Scottish Government's exploration of ways to reduce the use of remand. In particular, we support the proposals in the recently passed Management of Offenders (Scotland) Bill, to permit greater use of electronic monitoring to allow more alleged offenders to be granted bail whilst they await trial.

One of the national themes that has arisen is the equity of regimes for different groups of prisoners, including remand prisoners. We are concerned about the different levels of access to and engagement in activities available for remand prisoners, who often do not have equity of access to purposeful activity, time out of cell and other beneficial interventions and services.

Our thematic mental health review identified the period of remand as a risk of self-harm or suicide, and this again argues in favour of greater access to the considerable opportunities within Scottish prisons. This view is supported by the CPT in their April 2019 report, where the CPT noted that conditions had deteriorated since the CPT's 2012 visit. The lack of proactive attention to the needs, risks and vulnerabilities of those

on remand and in the early days of custody requires focus and challenge.

In addition, we noted that remand places prisoners at risk of losing tenancies and welfare benefits, creating greater difficulties when liberated. Many women on remand face additional, more complex needs, such as child custody issues and the care of other dependent relatives.

Women in prison

Two years ago, we saw the start of the implementation of the Scottish Government's refreshed strategy for women in prison. The strategy includes plans to build a smaller national prison for those with more complex needs, and a number of Community Custody Units where women will be able to serve their sentence closer to their home and family.

The number of women held in custody on the 31 March 2020 was 361, little change from the figure on 31 March 2019. Given that the new configuration of the female custodial estate will provide only 230 places, much work is still required to reduce the numbers in custody or plan for alternatives, ahead of the new prison and Community Custody Units being completed in 2020.

The CPT visit to Scotland in 2019 raised serious concerns about the treatment of women prisoners held in segregation at Cornton Vale Prison, both within the SRU and Ross House. The CPT found women who were clearly in need of urgent care and treatment in a psychiatric facility and who should not have been in prison, let alone held in solitary confinement for extended periods. The CPT commented that prison staff were not trained to manage these highly disturbed women, at least five of whom the CPT's delegation noted had severe mental health issues requiring hospital treatment, care and support. The CPT noted that while male prisoners in a similar situation could be transferred to a high secure psychiatric facility, in Scotland there is still no such possibility for women prisoners (and the possibility of effecting a transfer to Rampton Hospital in England rarely occurred in practice, due to jurisdictional complexities and distance). Both the NPM and HMIPS will be monitoring this issue in the forthcoming year.

Children and Young People

Last year HMIPS urged the Scottish Government to review the appropriate location for the removal of liberty for children in detention. HMIPS urges specific consideration to the rights of children and young people who are deprived of their liberty. These children are recognised in international law as being particularly vulnerable to human rights breaches in normal times, and are additionally so during the current pandemic. We refer to the UN Committee on the Rights of the Child's General comment No.24 (2019) on children's rights in the child justice system², which specifically requires that children are deprived of their liberty only as a measure of last resort, by absolute necessity and for the shortest appropriate period of time in accordance with the law.

In Scotland, children may be deprived of their liberty and detained in Young Offenders Institutions (YOIs) On 20 March 2020, there were 24 children and 270 young people (aged 18-21) detained in YOIs.

International human rights frameworks clearly prohibit the use of solitary confinement for children, recognising the damaging effects it can have on physical and mental health, noted also in HMIPS report Expert Review of Mental Health as unintended social isolation that particularly affects young people on remand. Solitary confinement is defined by the United Nations in the Nelson Mandela Rules as confinement "for 22 or more hours a day without meaningful human contact". It is important to note that the negative impacts of isolation can begin long before the 22 hour threshold is reached. The imposition of involuntary solitary confinement recommended by Health Protection Scotland for adults was also imposed on children and young people without a full impact assessment. HMIPS are grateful that the imposition of significant isolation raised by HMIPS and others has been addressed by the SPS but HMIPS will continue to be concerned and monitor the conditions for children and young people including the use of isolation in HMP YOI Polmont, access to family, purposeful activity, mental health and community support. We will also continue to monitor the progress against the recommendations from the Expert Review of mental Health.

² United Nations Committee on the Rights of the Child (2019). *General comment No.24 (2019) on children's rights in the child justice system*.

HMIPS is delighted that the routine use of body searching has been intelligence-led only during the COVID-19 crisis. HMIPS would like the Scottish Government and the SPS to review their policy on routine searching. There is a mass of evidence that suggest that body searching re-traumatizes victims, and we would like to see this type of searching being reduced to intelligence-led searching only; making use of the existing technology to inhibit contraband. We welcome the approach that has been agreed to reduce body searching for young people.

Ageing infrastructure

Planned investment in key infrastructure must not be delayed. While the very significant investment made relatively recently in new facilities at HMP Low Moss and HMP YOI Grampian is greatly welcomed, there remains an urgent need to progress the development of a replacement for HMPs Barlinnie, Greenock and Inverness. In a 21st century justice system, Victorian prisons are costly to run and maintain and are no longer fit-for-purpose. The pandemic places an even greater emphasis on the need for single cells being used for sole occupancy.

The conditions of detention in the prisons are adversely impacted by overcrowding and with our concerns about the resumption of court activity Scotland risks returning to a situation where cells designed for one hold two people. This was particularly notable at Barlinnie Prison, where many prisoners had less than 3m² each of living space in doubled-up cells of 6m² (including the partitioned toilet).

The CPT has long considered, as a minimum standard, that there should be 6m² of living space for a single-occupancy cell and 4m² of living space per prisoner in a multiple-occupancy cell (not including the fully-partitioned sanitary annexe).

Moreover the increasing number of cells out of commission in HMP Greenock due to water ingress serves to highlight the challenges in trying to maintain Victorian infrastructure, while the over-reliance on HMP Barlinnie for surge capacity when prisoner numbers are high accentuates the risks until the new HMP Glasgow is developed.

Use of technology

I am delighted to see the introduction of in-cell telephony and virtual visits coming to fruition, which provides much needed alternative family contact capability. This is a step forward in Scotland's enlightened approach to penology and will be welcome even after the current crisis, as a very useful supplement to face-to-face visits, particularly for prisoners held far from their families.

I hope to see this replicated with an equally rapid introduction of in-cell technology; the proven benefits of having computers in cell particularly with regard to mental health and learning cannot be underestimated and can provide the much needed in-cell activity if time out of cell continues to be restricted by the pandemic.

To assist people newly admitted to prison, the SPS should consider funding for secure televisions with information loops into all reception waiting areas.

The second key element is the real need for the Criminal Justice System to address the systemic shortcoming of communication and information exchange across justice.

Supporting an ageing population

The number of older prisoners over the age of 60 has increased by 46% over the last three years alone and is expected to continue to rise, bringing a new set of challenges for the SPS. While Scotland has invested in modernizing the prison estate, it still has a few antiquated Victorian prisons with no lifts and steep stairwells that are not suitable for older and less mobile prisoners. Our recent inspection reports, for example on HMP Barlinnie, indicate that the number of accessible cells is inadequate for the needs of the current population and the concern is that this shortage will only intensify if the number of older prisoners continues to rise. Even in the more modern prisons travelling to visit rooms can become increasingly difficult for older or more infirm prisoners, impacting on their ability to maintain contact with family and friends. Inevitably a rising number of older prisoners brings additional health and social care needs, including potentially the need for palliative care, as well as mental health issues related to the fear of dying in prison or being unable to cope in a changed world on release.



To their credit, the SPS are considering a range of design issues for new or refurbished prisons; how people are transported around for visits, increasing the size of shower areas and cell doors, as well as reviewing emergency lighting requirements for new prisons. Moreover the SPS have also supported staff training in dementia awareness and understanding palliative care needs. It was also pleasing in our inspection of HMP Glenochil, for example, to be able to commend the compassionate and caring approach to the management and care of older prisoners. There is a growing need, however, to consider whether purpose built accommodation for older prisoners is now required.

8. COURT CUSTODY INSPECTIONS



In recognition of the pressures imposed by COVID-19, HMIPS acknowledge that there will be a need for amendments to the daily routines and regimes in Scotland's CCUs in order to keep people safe. We have made it clear, however, that protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty, and we will continue to report to the Cabinet Secretary for Justice on the treatment and conditions in which custodies are held. We have developed an adapted methodology to our usual full inspection process that will be applied during this pandemic emergency by developing an algorithm populated by weekly information sharing with the CCUs, that helps to provide intelligence to inform the scheduling of visits.

OUR FINDINGS

GEOAmeY replaced G4S as the contractor for escorting and court services in January 2019. Inspectors have seen some positive changes in the service provision since then. For example with language line being introduced and increased monitoring of its usage. A new prisoner tracking system has been introduced in most CCUs, with the exception of some of the larger Sheriff Courts due to the number of custodies they are dealing with, that has replaced the previous process of recording the chronological account of the custody's movements while in GEOAmeY's care on the back of the personal escort record form (PER).

Effective teams

A consistent observation from the CCUs inspected was that they were well-run facilities. There were good examples of motivated staff who supported their team members and worked well together to achieve a positive result.

Prisoner/staff relationships

There appeared to be a good relationship between staff and those in their care. Staff were observed being polite and respectful when carrying out their duties, whilst maintaining an acceptable level of authority. Inspectors saw examples of relationships that had been built up with those that had repeatedly returned to court and this assisted in keeping the CCUs calm and orderly fashion.

Partner agencies

Staff reported and were observed to have good relationships with partner agencies. Good practice was seen in Glasgow CCU where they had a dedicated Scottish Legal Aid Board office that provided an excellent service in respect of a custody's representation in court. Inspectors were also impressed with the good practice of some CCU Managers directing released custodies to the Social Work Team based in the Sheriff Court building to obtain travel warrants for their journey home if they had a distance to travel.

Equality and diversity

It was clear that improvements had been made in this area. Access to translation services could now be sought using a telephone line set up by the provider. Examples of foreign nationals having access to an interpreter were evident and some signage was displayed in the most common foreign languages at the admission desk. However, we would encourage the provider to ensure important issues such as rules of the CCU and hygiene are also developed.

A concern from last year was the access to female hygiene products. Inspectors saw an improvement this year, where these products were readily available or information notices indicating how these products could be made available were displayed. In most cases CCUs had female staff readily available to assist those that required help.

Fabric of the buildings:

There was a stark contrast between the three CCUs visited with regards to the fabric of the court custody areas. Livingston was a modern CCU opened in 2009, which is fit-for-purpose and a model of good practice. Being a modern building it was easy to keep clean, had good access for those with a disability and there was no graffiti.

Glasgow CCU was formally opened on 29 July 1986 and is the biggest CCU in Scotland with 66 cells. Although it was clean and ordered, the good state of the CCU was let down by the extensive historical graffiti, the poor standard of the male shared toilet area and limited access for custodies with a disability.

Dumfries CCU was situated in a building that opened in 1886 and as such the facilities were not fit-for-purpose. There was no natural light within the facility, and

although the cell area was well lit by artificial lighting it appeared bleak. In common with many other CCUs, Dumfries suffered from intense need of refurbishment, lots of historical graffiti and a need for essential repairs. These areas should be attended to promptly.

GOOD PRACTICE

There were a number of good practices identified and the highlights were:

- The presence of a dedicated Scottish Legal Aid Board office in Livingston CCU that provided an excellent service in respect of a custodies representation in court.
- A graffiti free CCU at Livingston, where the areas were kept clean and custodies were challenged when carrying out acts of vandalism.
- In Glasgow CCU they had a member of Scot Nurse on the premises in the mornings, providing an excellent service.

CHALLENGES FOR THE SCOTTISH COURTS AND TRIBUNALS SERVICE

Use of Technology

Consistent with last year's Annual Report, CCUs were still experiencing difficulties with the numbers arriving from prison and police custody to attend court.

Inspectors continued to find examples where custodies were spending unreasonable periods of time travelling in escort vehicles, then sitting in CCUs waiting for their case to commence, only to find either they were not required to attend because their cases was heard in their absence, or attended the court for a short period of time only to confirm their name and date of birth.

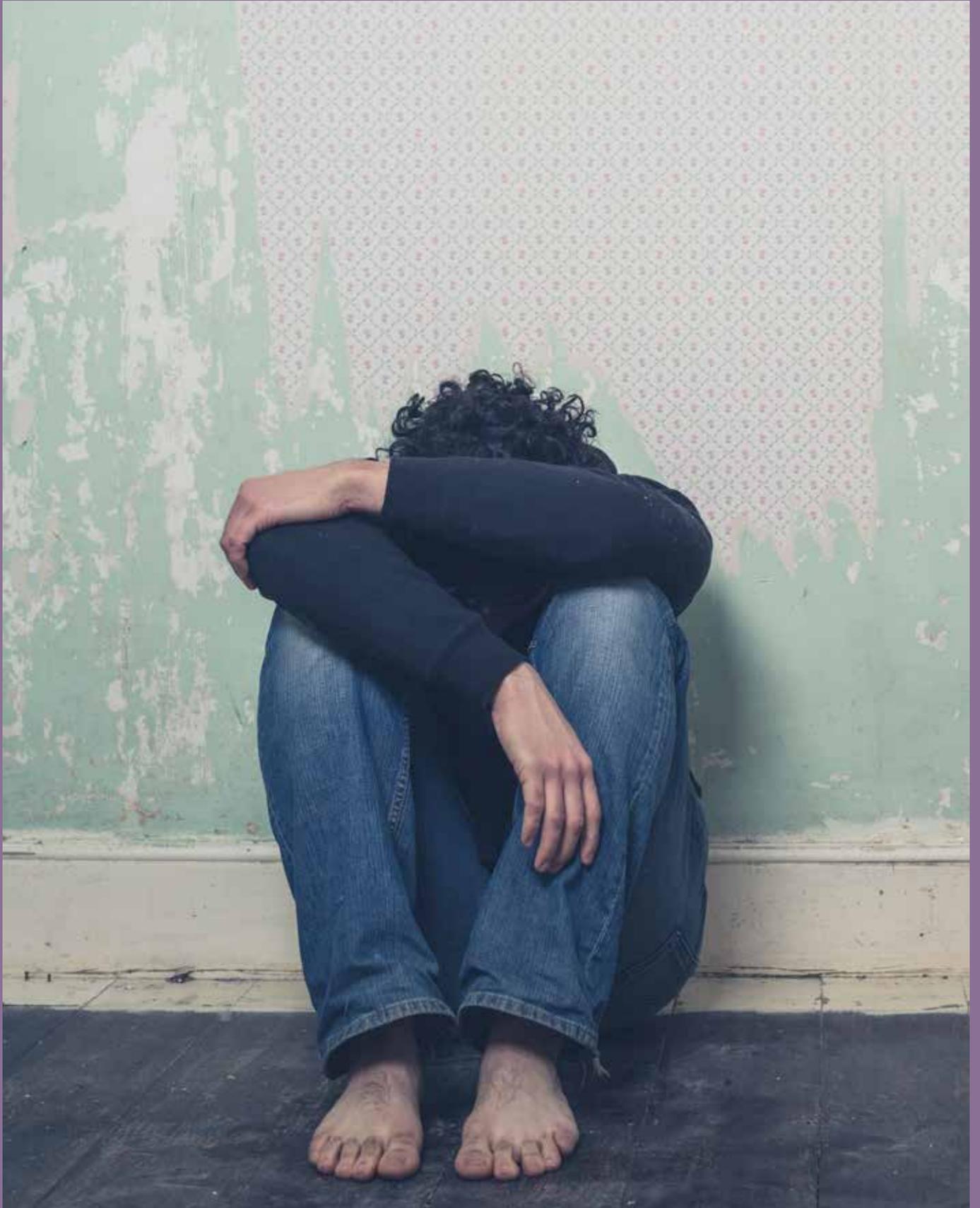
The lengthy periods were, in large part, a product of the requirements of the escorting contract. However, HMIPS continue to question why it is a requirement to have all prisoners arrive at CCUs by 09:30, when it is known that many individuals will not be required in court until the afternoon.

HMIPS continue to recommend that every effort should be made to make greater use of video-link which would provide financial savings, reduce the transport and prisoner risk, reduce the numbers of prisoners attending for short procedural court appearances and the inconvenience suffered by the custodies from long hours of travel or detention in the CCU for a very brief court appearance.



GEOAmey Van

9. THEMATIC REVIEWS



Review of Who Cares? The Lived Experience of Older Prisoners in Scotland's Prisons

A review has been conducted of the [Who Cares? The Lived Experience Of Older Prisoners In Scotland's Prisons](#) thematic inspection from 2017. Research took place with a number of stakeholders, including SPS staff and prisoners, across a number of prisons, the SG, and the NHS.

The review focused on progress and developments made since the 2017 report, concentrating on the recommendations made. It also looked at good practice across Scotland's prisons. On present plans, the review report will be published in autumn 2020.

I would like to take this opportunity to thank Paula Arnold for the work she undertook to complete this review, whilst on secondment to HMIPS. She has since returned to the Scottish Prison Service and we wish her well for the future.

EXTERNAL ASSURANCE IN THE REVIEW OF CONTROL AND RESTRAINT

On 9 August 2019, the Scottish Courts and Tribunal Service published Sheriff Gordon Liddle's determination under the Fatal Accident Inquiries and Sudden Deaths Etc (Scotland) Act 2016 into the death in custody of Mr Allan Marshall at HMP Edinburgh in March 2015. The determination made 13 recommendations for action.

On 30 August 2019, Cabinet Secretary for Justice, Hamza Yousaf requested that Her Majesty's Chief Inspector of Prisons, in terms of 7(2)(d) of the prisons (Scotland) Act 1989 undertake external assurance of the recommendations made to the SPS, the majority of which pertained to the concerns around the procedures associated with the C&R process and the training of staff in them.

HMCIP set up a small team to provide assurance on:

- Process and application of use of force and restraint in the SPS
- Sufficiency of the response to the recommendations

- Incident analysis informing future direction and/or prevention

The SPS established a Short Life Working Group to oversee immediate responses to the recommendations. One of the responses was to undertake a wider review of Control and Restraint (C&R). A C&R Review Steering Group (CaRSG) was established where HMIPS were invited to attend. The group met regularly until March 2020. The outbreak of COVID-19 effected the progress of this review as the SPS moved their resources to cope with the pandemic. Mr Eric Baskind, an independent expert on C&R and the use of force had been commissioned to undertake an information gathering and review exercise and subsequently produce a report for the SPS. HMIPS met with Mr Baskind as part of our assurance process and discussed his recommendations. Also as part of the review, HMIPS attended a demonstration of alternative methods of removal of persons under C&R. These proposals have yet to be determined as suitable with further investigation required by SPS, which will not take place until restrictions under COVID-19 are eased. SPS have now completed a review of the C&R manual and a new C&R manual in draft will be presented to the CaRSG in September. To date, HMIPS have updated the Cabinet Secretary for Justice on progress and are satisfied with the communication and progress made by SPS with the C&R review and have commented on the new manual.

DEATH IN CUSTODY REVIEW

On 7 November 2019, the Cabinet Secretary for Justice wrote to HMCIP to ask if she would undertake an independent expert review of the handling of deaths in prison custody, with external expertise to inform the views of support for families provided to her by Professor Nancy Loucks, Chief Executive of Families Outside as co-chair of the review. The Cabinet Secretary for Justice further announced in May 2020 that Judith Robertson, Chair of SHRC, would also co-chair the review, to ensure that an independent human rights-based perspective is firmly built into the review. The Commission will conduct a comprehensive analysis of the relevant human rights legal standards, at both the European and international levels and work across the other work streams that are part of the review.

The review will identify areas for improvement to ensure appropriate and transparent arrangements are in place in the immediate aftermath of deaths in Scottish prisons. It will also cover deaths of prisoners in NHS care.

The review will examine the operational policies, practice and training in place for the SPS and NHS relevant to the deaths of prisoners. It will draw on human rights expertise and will also consider the experiences of bereaved relatives. It will seek their views on preventative approaches which could better enable families to raise concerns regarding the wellbeing of loved ones in prison. The review is intended to complement current arrangements for the investigation of deaths in custody and the holding of Fatal Accident Inquiries, which are the responsibility of the Lord Advocate acting independently of any other person.

The report will include a comprehensive analysis of comparative evidence of international levels, as well as reporting on the views of families. In addition, a comprehensive literature review will be undertaken and external expert advice will be sought.

The review has been delayed due to staff absence and the COVID-19 pandemic. Some preliminary work for the review commenced in February and to date the following has been progressed:

- The literature review preparatory work prior to commissioning was completed.
- The policy review of the SPS and NHS policies and procedures is underway and despite the significant pressure the SPS and NHS are under, the responses for information were being received and will be mapped and analysed by a small short life working group.

The review is fully aware of the unprecedented operational challenges facing our prison, court and health services at present. Due to these unforeseen circumstances and the considerable impacts of the COVID-19 outbreak on the ability to consult; on present plans we expect to publish the review report in early 2021.

The review will require substantive consultation and analysis of the records of health partners, the SPS and the Crown Office Procurator Fiscal Service, and understandably we do not want to put additional pressures on these organisations during this time. There has also been a need to suspend action to engage staff who may have been impacted.

There has also rightly been a need to suspend action to engage families and staff. Professor Loucks has been leading efforts to engage families and gain their perspective on how deaths in custody are handled, whether more could be done to support families affected by a death in custody, and the families' views on preventing a death in custody. It is hoped that this important element of the review can commence once lockdown measures are eased.

REVIEW OF INDEPENDENT PRISON MONITORING

Dr Linda Pollock, one of our IPMs, was recruited by HMIPS to analyse and gather best practice from the huge amount of information the IPMs have gathered in the last three years, and to report on her findings. The report highlighted a number of ways in which HMIPS might better support IPMs and how consistency in the administration of the system and recording of information could be improved, along with improvements to the technology and training that supports the monitoring system. An action plan was produced by HMIPS, based on the recommendations in her report, which has been shared with IPMs and the action points are now being worked through.

I would like to take this opportunity to say thank you to Linda for the considerable expertise and thoroughness which she brought to this project.

10. PRIORITIES FOR 2020-21 FOR HMIPS



PRIORITIES FOR 2020-21 FOR HMIPS

Adjusting our approach to monitoring and inspection in response to the COVID-19 pandemic

HMIPS will continue to focus on the issues and concerns found during this reporting year. However the COVID-19 pandemic has resulted in us reviewing our approach to the inspection and monitoring of prisons.

HMIPS temporarily suspended all prison, Court Custody Unit (CCU), and court custody vans, along with all monitoring services carried out by Independent Prison Monitor volunteers. However, HMIPS' statutory obligations continue during this emergency and we are committed, where possible and most importantly safely, to undertake visits to prison or CCU establishments and produce a report of our findings.

To allow us to fulfil our statutory duty, HMIPS developed an adapted methodology to inspection and monitoring, resulting in a [Remote Monitoring Framework and Liaison Visits Framework](#). This enables us to continue to provide assurance to the Cabinet Secretary for Justice and to the [UK National Preventative Mechanism](#) about the conditions and treatment of prisoners in these exceptional circumstances.

Our adapted methodology focuses on the key human rights issues contained in our [Standards for Inspecting and Monitoring Prisons in Scotland](#), which are followed during our normal inspection process.

A first version underwent proof of concept testing commencing 27 April 2020, and will be subject to continuous improvement and be formally reviewed in July 2020. The Frameworks will be in place until HMIPS can resume normal business.

We acknowledge that these are extremely difficult times for prisons and other establishments, and our guiding principle of 'do no harm' will remain. We will therefore place an emphasis on identifying and sharing good practice in our reports.

Any urgent issues identified during the visits will be immediately escalated to the Governor-in-Charge.

HMIPS have also developed a Health and Safety Policy, drawn from guidance from Health Protection Scotland, NHS Inform and the World Health Organization, to inform our staff of the correct processes to follow to keep themselves and others safe. We will work to support a resumption of on-site monitoring where and when practical, while fully respecting the fact that IPMs are best placed to assess individual risks for themselves and decide whether they feel able to go back into prisons.

Healthcare

Healthcare will continue to be a priority area for HMIPS, as we seek to encourage consistency of service provision to all prisoners in Scotland.

Population Management and Progression

The rising prison population remains our key concern, as it has the potential to impact adversely and intensify pressures in almost every aspect of prison life for both prisoners and staff. We will focus on the impact and efforts to tackle the rising prison population in all our inspection and monitoring activities during 2019-20. This will become acute as the Coronavirus recedes and court activity resumes. We will look in particular at the SPS recovery plan progress and how purposeful activity is impacted even further causing unintended social isolation.

We will also consider how consistently prisoners are able to progress through their sentence by accessing regimes and treatment programmes that meet their needs.

Throughcare Support Services

The provision of throughcare support services to people before and immediately after their liberation from prison remains essential to their successful reintegration back into the community. These responsibilities lie not just with the SPS, but also with wider service providers such as education, housing, health, employment, and welfare benefits.

Fundamentally, these are dependent not so much on the criminal justice system, but on wider social justice issues of poverty, inequality, exclusion and marginalisation.

Nevertheless, Throughcare Support Officers can make a huge contribution to assisting those seeking to lay down firmer foundations for a more productive future on release. We are deeply disappointed that pressures on the SPS has led them to cut back on the proactive and potentially life changing support they currently provide in this area. We urge the Scottish Government and the SPS to ensure that this is restored at the earliest opportunity.

Other Priorities

We will continue to monitor all the other issues raised in this report, and in particular, we intend to build on previous work reviewing support for older prisoners.

Our desire to introduce a risk-based approach to inspection selection is crucial to ensuring we focus our efforts where they are most needed.

We welcome the SPS' commitment to support systematic self-evaluation and promote a culture of continuous improvement. We look forward to working with the SPS to ensure our Standards for Inspecting and Monitoring Prisons in Scotland, and inspection and monitoring processes chime with their development work. In doing that, however, we will continue to provide the rigorous independent scrutiny that prisoners, the public, Ministers, and the United Nations would expect of us and colleagues in the UK NPM, in line with the international obligations set out under OPCAT.

IPM Prisoner Engagement Survey

With the help of IPMs, HMIPS are in the process of carrying out a survey of prisoners and a series of focus groups to find out how they wish to engage with the IPM service. A pilot was carried out in Region 4 in December 2019 and results analysed and shared with IPMs working in this region. The headline findings from Region 4 were that less than half of prisoners (42%) were aware of IPMs, however, nearly three quarters (73%) of respondents said that they would be interested in hearing about IPM findings.

Fieldwork for Region 1, 2 and 3 commenced in 2020 and was finished in March. However, due to the emerging COVID-19 crisis, completed questionnaires could not be returned to HMIPS from some prisons. Analysis and dissemination of the survey results from the remaining three regions will take place as soon as possible.

We hope the findings from this piece of research will help to inform the ways in which prisoners contact IPMs and how the information gathered through monitoring is shared. We would like to take this opportunity to thank all the IPMs who have been involved in the fieldwork for this survey.

11. FINANCES



STAFF AND FINANCES

Staff

Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland

Stephen Sandham, Deputy Chief Inspector of Prisons for Scotland

Sue Brookes, Lead Inspector (SPS secondee)

Paula Arnold, Lead Inspector (SPS secondee)

Calum McCarthy, Inspector of Prisons for Scotland (SPS secondee)

Christopher Johnston, Prison Monitoring Co-ordinator, Region 1

Chris Collins, Prison Monitoring Co-ordinator, Region 2

Kerry Brooks, Prison Monitoring Co-ordinator, Region 3

Ewan Mackenzie, Prison Monitoring Co-ordinator, Region 4

Kerry Love, Business Manager

Graeme Neill, Operations Manager

Ewan Patterson, Researcher/NPM Co-ordinator (started October 2019)

Dorothy Halliday, Personal Assistant

Alexandra Costello, Prison Monitoring Support Officer

Shea Murray, Administrative Assistant (started November 2019)

Finances

Costs for the year were as follows	(£)
Staff Costs*	812,188
Travel and Subsistence Costs	81,944
Printing and Binding	15,368
Hospitality	1,825
Conference Fees	5,935
Other running costs	29,499
Total	946,759

* No employees earned in excess of £150,000

12. ANNEXES



ANNEX A

ANNUAL INDEPENDENT PRISON MONITORING SUMMARY REPORTS

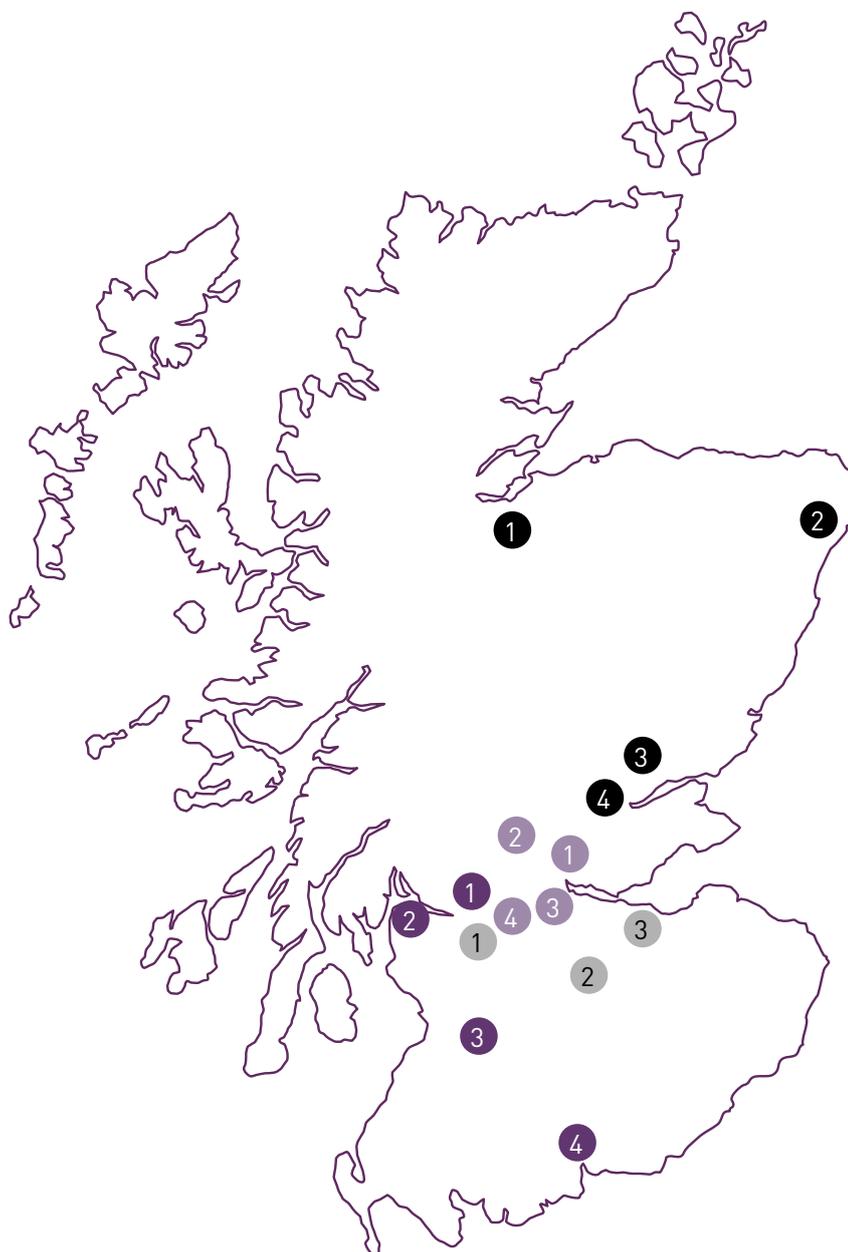
KEY:

- REGION 1**
 - 1. INVERNESS
 - 2. GRAMPIAN
 - 3. CASTLE HUNTLY
 - 4. PERTH

- REGION 2**
 - 1. GLENOCHIL
 - 2. CORNTON VALE
 - 3. POLMONT
 - 4. SHOTTS

- REGION 3**
 - 1. LOW MOSS
 - 2. GREENOCK
 - 3. KILMARNOCK
 - 4. DUMFRIES

- REGION 4**
 - 1. BARLINNIE
 - 2. ADDIEWELL
 - 3. EDINBURGH



REGION 1 – SUMMARY REPORTS



HMP YOI GRAMPIAN

South Road
Peterhead
AB42 2YY

HMP YOI GRAMPIAN

IPM Findings

Personal safety: Staff demonstrated a clear commitment to ensuring the safety of prisoners. IPMs witnessed a proactive approach to reducing the risk of aggression and violence while being professional, attentive and active to prisoners' requests.

Respect, autonomy and protection against mistreatment: Some protection prisoners had complained to IPMs about their regime. IPMs looked into this and concluded the regime being provided was acceptable, and also learned that staff were responding by conducting a regime review, in co-production with all prisoner groups.

Visits: Some prisoners complained to IPMs about having visits restricted 'as punishment'. IPMs spoke with staff, who informed IPMs that this practice was only used as a last resort in cases where individuals' conduct may compromise the safety of others. Staff confirmed they considered all factors before making such decisions. IPMs were satisfied this practice was fair.

Personal safety: IPMs viewed examples of management plans for prisoners in the Separation and Reintegration Unit (SRU). These were found to be comprehensive, and SRU staff demonstrated awareness of the needs of these prisoners. IPMs concluded that prisoners in the SRU were treated well.

Health and wellbeing: IPMs raised concerns that nighttime medication in Banff Hall was being administered at around 15:30, which was having an adverse effect on prisoners' sleeping patterns. IPMs were subsequently pleased to note the introduction of a 21:00 meds round for all prisoners who were on sedative medication.

Changes and Improvements

Organisational effectiveness/Staffing: Staff promotion and recruitment campaigns were undertaken to address staff shortages. IPM concerns about staffing levels at the start of the reporting period eased as a result of the establishment's approach to recruitment and retention.

Key Aspects for Continued Monitoring

Staffing: IPMs will continue to monitor staffing levels, and any potential subsequent impact upon the regimes.

Population management: While the population has fallen dramatically in the wake of the COVID-19 pandemic, it is anticipated that the population will start to rise again when lockdown restrictions are eased and court activity resumes. As in other prisons, IPMs will monitor the impact that a rising prison population may have on the delivery of various elements of the regimes.

Healthcare: IPMs will continue to monitor the delivery of healthcare services, including waiting times for various disciplines (GP, Mental Health, etc.).



HMP INVERNESS

Duffy Drive
Inverness
IV2 3HH

HMP INVERNESS

IPM Findings

Personal Safety: IPMs took time to observe staff conducting regular observations of vulnerable prisoners in observation cells. Staff were courteous and clearly focussed on the prisoners' welfare. Observations were seen to be conducted at the correct frequency for the particular prisoner's level of risk, evidenced by the relevant paperwork.

Decency: The kitchen continued to be a well-run operation. IPMs sampled the food on a few occasions and found it to be of good quality, with a reasonable set of options available to prisoners with varying dietary requirements. IPMs observed prisoners accessing food during lunch. The process appeared to be orderly. Staff and prisoners involved with prepping and serving the food were seen to be complying with recognised food hygiene requirements.

Staffing and regimes: IPMs recognised that staffing had been a challenge, and that in order to ensure safety and good order there were times where the regimes were cut back to some extent. The prison is required to provide assurance to SPS HQ that there are no prisoner groups affected more than others, and IPMs saw some evidence of this, including testimony from prisoners.

Purposeful Activity: A number of prisoners told IPMs they felt their time in the education centre was well spent and many of them were appreciative of the work that the teaching staff did.

Effective, courteous and humane exercise of authority: IPMs raised concern over the in-cell arrangements for prisoners requiring additional support, in particular the positioning of the intercom and lack of emergency alarm cord. Senior management responded to say that prisoners with additional support needs benefit from increased staff supervision and other forms of support. Where additional needs could not be met by arrangements at the prison, the prisoner would usually be relocated to another prison.

Changes and Improvements

Purposeful activity: A greater range of purposeful activity was introduced during 2019-20 before the COVID restrictions hit, as well as the provision of support to prisoners to undertake activities (for example to help improve prisoners' performance). IPMs saw this as a good example of activities inside the prison mirroring life outside of the prison, providing good learning opportunities.

Key Aspects for Continued Monitoring

Organisational effectiveness: IPMs will monitor the impact that the size, age and fabric of the building has on elements of the regime (such as work opportunities), as well as how it affects vulnerable prisoners.



HMP OPEN ESTATE

Longforan
Nr Dundee
DD2 5HL

HMP OPEN ESTATE

IPM Findings

Prisoner Induction: IPMs spoke with several prisoners who had newly arrived, and were able to conclude that all prisoners had received the appropriate induction to the prison. This is an important factor when moving from closed prisons to open conditions.

Equality: The prison has a dedicated Equalities and Diversities (E&D) Manager, and the E&D Strategy seemed well-embedded into prison practice. Staff were aware of the need to respect protected characteristics. IPMs observed information about E&D and respect posted all around the establishment.

Healthcare: IPMs concluded that there was a defined process for prisoners to inform staff they felt unwell (including if unable to get to work). The process included NHS staff triaging the prisoner and organising any appropriate healthcare. IPMs heard very little by way of prisoner complaints about healthcare.

Purposeful activity: IPMs were pleased to find that the prison staff put great effort into ensuring prisoners had a range of community placements available to them. These efforts included seeking community placements for prisoners who may find it more difficult to secure a placement due to the nature of their offence.

Purposeful Activity: IPMs observed a number of prisoners undertaking grounds maintenance work, and were pleased to see that it was not just prisoners on community placement that benefit from work opportunities. IPMs felt that the grounds were looking well, and that it is testament to the hard work of the prisoners, and to the staff who train them.

Changes and Improvements

Substance Misuse: Substance misuse was seen as problematic at the establishment in the first half of the reporting period. IPMs did however see evidence of the efforts made by both NHS and SPS staff to mitigate the problem, including the introduction of a 'new admissions' wing for those more vulnerable to substance misuse. In the second half of the reporting period staff informed IPMs that this was proving successful in addressing addiction issues of newly transferred prisoners, and that the rate of prisoners returning to closed conditions shortly after transfer to open conditions had significantly decreased.

Transition to the community: Prisoners continued to complain to IPMs about a lack of available hostel spaces, and the adverse impact on being granted home leave. IPMs recognised this as an issue with community provision, and were pleased to see evidence of staff doing all they could to address the issue.

Key Aspects for Continued Monitoring

Access to rehabilitative activities and support: IPMs will continue to monitor access to work, community placements, hostel accommodation, etc.



HMP PERTH
3 Edinburgh Road
Perth
PH2 8AT

HMP PERTH

IPM Findings

Separation and Reintegration Unit: Officers were observed interacting with prisoners in the Separation and Reintegration Unit (SRU) with courtesy, despite the SRU being full to capacity and thus being more of a challenge to staff. IPMs visited the SRU a number of times during the reporting period and concluded it was a well-run efficient department.

Prisoner complaints process: IPMs observed the Internal Complaints Committee (ICC) process on a few occasions, and concluding that they were conducted fairly, with due regard for prisoners' requests for evidence. Prisoners were spoken to courteously. Decisions made by the ICC were done so with fair consideration of available evidence. IPMs observed two occasions where prisoners' appeals were heard and upheld, evidencing that the process itself is fair and balanced.

Population management: IPMs were concerned with the rising prison population and the impact of greater demand for work opportunities, programme places, etc. Staff worked hard to do the best they could to ensure an adequate regime continued to operate, and were observed to interact with frustrated prisoners in a patient and courteous manner.

Progression: A number of prisoners raised concerns regarding a lack of access to programmes they needed to undertake in order to progress to the National Top End and/or Open Estate. IPMs concluded that the SPS Policy on programme placement had been followed. IPMs were sympathetic to the prisoners' frustrations, however the issue is a national one, and not something that could be improved solely from within HMP Perth. IPMs concluded that the availability of more national programme places would be very helpful.

Changes and Improvements

Healthcare: IPMs expressed concern over the lengthy waiting time for prisoners to see a GP, which was as high as 12 weeks midway through the reporting period. However, IPMs were pleased latterly to see NHS staff put significant effort into driving waiting times down towards the end of the period, closer to a more acceptable level (around 6 weeks).

Key Aspects for Continued Monitoring

Population management: While the population has fallen dramatically in the wake of the COVID-19 pandemic, it is anticipated that the population will start to rise again when lockdown restrictions are eased and court activity resumes. As with other prisons, IPMs will continue to monitor the potential impact that a rising prison population may have on the delivery of various elements of the regimes.

Healthcare: IPMs will continue to monitor the delivery of healthcare services, including waiting times for various disciplines (GP, Mental Health, etc.).

REGION 2 – SUMMARY REPORTS

HMP YOI CORNTON VALE



HMP YOI CORNTON VALE

Cornton Road
Stirling
FK9 5NU

IPM Findings

The new establishment: Building work continued to construct the new national facility for women on the current site at Cornton Vale. Phase one was completed and phase two has commenced. There were challenges, with a new area having to be provided for the provision of healthcare, but the IPM Team felt the establishment met this challenge.

CPT Visit: The CPT completed a follow-up visit to Cornton Vale to monitor if suggested improvements had been actioned, and their findings were of great interest to the IPM Team.

Independent Living Unit (ILU): The ILU outside the prison walls was demolished and re-provisioned within the main boundaries. The establishment tried hard to ensure the new arrangements were fair and reasonable, but it resulted in some loss of privileges for those moved, for example not being able to cook their own meals. The situation was further complicated by a problem with the water in the provisioned unit, meaning the women had to move back to the National Top End. The action taken was swift and necessary but IPMs can see how the women may have felt this was a regressive step.

Mental Health: The clearly complex and high level mental health needs of some of the women in Cornton Vale continues to concern the IPM Team. They have seen examples of caring and compassionate practice from staff, and the healthcare is swift and efficient in its actions, however in many instances some women would have been better placed in a mental health facility rather than a prison. The new establishment will have a reception centre for those displaying severe mental health symptoms. This is welcomed, but highlights the lack of an appropriate secure provision for women. The CPT also raised a similar issue.

Transport: The service provided by GEOAMey was to some degree an issue in all establishments in Region 2, but was mostly starkly illustrated in Cornton Vale. Incidents including long journey times, lack of appropriate vehicles, men and women being on the same vehicle and incidents of vehicles containing men being driven into Cornton Vale were of particular concern. The establishment managed the issues well and the IPM Team agree this is a matter for the SPS to resolve nationally.

Changes and Improvements

Team Sally: This continues to be an impressive initiative and one that is clearly valued by the women.

Purposeful Activity: The IPM Team have seen some impressive examples. They included an event for International Women's Day, Eid al-Fitr and a Street Soccer Scotland programme.



The new establishment: This IPM Team are supportive of the work being undertaken and await the new prison.

Key Aspects for Continued Monitoring

Ross House and Dumyat: These areas will remain a monitoring priority for the IPM Team until the new establishment is open, as some of the most challenging and/or vulnerable women are held there.

Transport: The concerns have been escalated and the IPM Team will continue to look for improvements or act on failings.

Mental Health Provision: The importance of this provision at Cornton Vale demands it remains a priority for the IPM Team.



HMP YOI POLMONT

Brightons
Falkirk
FK2 0AB

HMP YOI POLMONT

IPM Findings

Time Outside: IPMs found that time outside was offered to all populations, but for some the offer was always at 7am on weekdays, which resulted in numbers being low. The IPM Team have continually raised the need to review this.

Transport: The service provided by GEOAmev has had significant impact in Polmont, in terms of arrival and journey times for some of the men and young women, and reliability in ensuring people get to where they need to be in reasonable time. Similar to other establishments, Polmont cannot fix this matter directly but the impact has been a focus of monitoring.

Wing Gym Equipment: Equipment available on wings has been in poor repair in some instances. Repairs have been complex as it is a national contract and replacement equipment has been unavailable.

Communication: Throughout the year IPMs have regularly noted good relationships between staff, the women and young people in Polmont.

Changes and Improvements

Strategic Work Streams: The IPM Team welcomed the work to look at several areas including a reduction in prisoners who must be kept separate; a re-design of incentives and privileges; the design for a system to support engagement of those that are more difficult to reach; fast track system for first offenders; FLM support on halls; an events calendar and an Engagement and Communication Strategy.

Healthcare Staffing Levels: IPMs have noted an improvement in the number of staff in the Healthcare Team, including the Mental Health Team.

Purposeful Activity: IPMs noted some improvement in the numbers of people involved in purposeful activity and heard about some positive events. They have included a Barnardo's Celebration Event, The Redburn Event and the Staff Health and Wellbeing day, all which IPMs thought were constructive and useful.

Key Aspects for Continued Monitoring

Time outside: This is being looked at for some populations and an area IPMs will continue to monitor.

Monitoring Plan: Following a return visit from colleagues in the HMIPS Inspection Team, the Monitoring Inspection Follow-up Plan was updated. The team will continue to look at issues including induction for all populations; availability and use of translation services/information and food.



HMP SHOTTS

Canthill
Shotts
ML7 4LE

HMP SHOTTS

IPM Findings

Healthcare: Concerns about healthcare have been consistently raised by the IPM Team this year. Matters have included the lack of a long-term conditions clinic and issues around recording. Concerns were escalated to the HMCIPS.

Purposeful Activity: Some good initiatives were noted this year, such as the introduction of an early bird session at the gym and plans for a garden area at the back of one of the halls, that could be used for older or more vulnerable people. There was also a full review of purposeful activity this year which IPMs joined as observers.

Other positives noted in this area include Kaleidoscope and The Whole Mind Café, and the establishment of a peer group support for mental health issues, facilitated by the Link Centre.

NPS: Although not exclusive to Shotts, issues around the use of NPS were noted throughout the year.

Changes and Improvements

Palliative Care Group: This multi-agency working group to look at end of life care included an IPM as an observer. The IPM Team thought this helped make the work open and accountable. The work of the group was deemed to be good practice in terms of considering how palliative care could be provided in the most appropriate way.

Recovery Café: The Recovery Café was introduced into Shotts this year. There were some teething problems, but they were resolved and the group re-convened.

Men's Health Group: This is a group that encourages men to talk, which the IPM Team felt was a positive development.

Key Aspects for Continued Monitoring

Anti-Bullying Strategy: Possible improvements that could be made to the management of this policy were highlighted towards the end of this year. It is something IPMs would like to follow-up on.

Purposeful Activity: Other positive initiative are planned and IPMs would like to see them progress.

Progression: This is an issue that has been a consistently raised since monitoring began and has been escalated to HMCIPS.



HMP GLENOCHIL
King O’Muir Road
Tuillibody
Clackmannanshire
FK10 3AD

HMP GLENOCHIL

IPM Findings

Support for Short-term Prisoner (STP) Liberation: The suspension of Throughcare Support Officers impacted at Glenochil, but the IPM Team also raised pre-liberation support for those serving short-term sentences as it was not as robust as the process in place for those serving long-term sentences.

Non-offence Protection: Glenochil in many ways is like having two distinct prisons on the same site, Abercrombie Hall which houses offence-protection prisoners and Harvieston Hall for mainstream prisoners. The prison does not have a protection wing but there are a small numbers of prisoners who require protection within Harvieston Hall. The high prison population has meant it has not been possible to move prisoners who require protection to another prison, which has resulted in them being locked up for long periods of time, with little access to time outside, recreation or purposeful activity.

Population: The high prison population has had a significant impact at Glenochil, for example it has meant two people sharing single cells which the IPM Team has raised as a concern.

Changes and Improvements

Managing Sickness Levels: At one point during the year staff sickness levels were high at Glenochil, but a supportive and robust system was introduced to manage this which resulted in sickness levels significantly decreasing.

Healthcare: The relationship between the SPS and NHS staff works very well at Glenochil. The IPM Team noted positives in healthcare such as how the dentist runs and the fact the Healthcare Team was nominated for and won an innovation award.

Key Aspects for Continued Monitoring

Non-offence Protection Prisoners: The changes put in place to manage the COVID-19 pandemic have resulted in some reported improvement for this displaced population, as there are fewer people being opened up at any one time. IPMs will be interested to establish if there are any improvements that can be retained.

Monitoring Inspection Follow-Up Plan: This follows the full HMIPS inspection of Glenochil, and identifies several areas the team would like to look at in more depth in the coming months, including induction; cell sharing; implementation of the anti-bullying strategy; and the Personal Officer system.

REGION 3 – SUMMARY REPORTS

HMP DUMFRIES

IPM Findings

Decency: IPMs reported various issues relating to the fabric of the building in HMP Dumfries including issues with leaks and lighting. IPMs identified cells in B Hall, utilised when prisoners are removed from circulation, as needing maintenance and cleaning.

Lawful and Transparent Custody: IPMs observed numerous orderly room processes noting they were conducted with fairness, rigour and professionalism.

Changes and Improvements

Decency: In response to identification of cells in poor condition in B Hall, management carried out maintenance, installed privacy screens and established a new process for reviewing the conditions of cells. Various upgrades to the building were undertaken during this year, particularly in residential areas.

STP regime: IPMs were pleased to be advised throughout the year that plans were being drawn up to tailor a regime for the short-term prisoners population at HMP Dumfries, which would be delivered in partnership with community organisations. There is an acknowledgment that these changes may take some time, but that the activities and programmes involved would be tailored to the specific needs of this cohort of prisoners.

Key aspects for Continued Monitoring

IPMs will monitor the implementation of a revised regime for short-term prisoners at HMP Dumfries and also the utilisation of the Links Centre in the establishment.



HMP DUMFRIES

Terregles Street
Dumfries
DG2 9AX



HMP GREENOCK
Old Inverkip Road
Greenock
PA16 9AJ

HMP GREENOCK

IPM Findings

Purposeful activity: IPMs observed good activity within the prison, but noted a number of work parties which had not been fully functioning. Management advised that ongoing restructuring of the regime should improve this further.

Staff/prisoner interactions: Reception, admissions and induction were all noted as being very well run, and IPMs received positive feedback from prisoners on these processes. In general, there was very good staff/prisoner interaction throughout HMP Greenock.

Changes and Improvements

Psychology provision: IPMs welcomed the additional psychology provision in the establishment from June 19 onwards.

Lawful and Transparent Custody: IPMs attended a number of RMT meetings and noted they were extremely thorough and well prepared, with good attendance and opportunities for prisoners to engage with the process.

Key Aspects for Continued Monitoring

IPMs will monitor the plans for large scale maintenance and upgrades at HMP Greenock, including cell flooring, painting of halls and new cell furniture.



HMP KILMARNOCK

Mauchline Road
Kilmarnock
KA1 5AA

HMP KILMARNOCK

IPM Findings

Population: IPMs regularly reported on the challenges associated with accommodating 96 additional prisoners for the majority of the year, and commented that the prison was noticeably busier, with implications for all areas of the establishment. It was confirmed to the IPM Team that cell sharing risk assessments were in place and being implemented.

Progression: IPMs took a high proportion of requests relating to progression this year, with several prisoners suggesting to IPMs that assessments were unduly held up by backlogs. IPMs were pleased to note that new psychologists had been employed to ensure assessment timescales continued to reduce.

Changes and Improvements

Detection of psychoactive substances: IPMs commented on two new detection machines in place at reception and around the establishment, to continue to improve the finding of psychoactive substances which have been prevalent throughout the year.

Healthcare: Various aspects of healthcare have become more challenging due to the increase in numbers. A series of health conversations with prisoners, NHS, East Ayrshire Advocacy and IPMs began in June 19 to discuss all matters relating to prisoner health and has been a welcome development.

Key Aspects for Continued Monitoring

IPMs will continue to monitor cell sharing arrangements, prevalence and testing for psychoactive substances and staffing levels across the establishments.



HMP LOW MOSS

Crosshill
Bishopbriggs
Glasgow
G64 2PZ

HMP LOW MOSS

IPM Findings

Population: IPMs were concerned with the increase in population during this year and the daily challenges associated with having different types of prisoner groups in their care.

SRU: IPMs met regularly with SRU staff and were pleased to be informed of some of the developments and improvements within the unit linking to case management and reintegration to mainstream.

Non offence Protection: Prisoners in this category in Clyde 1 expressed dissatisfaction to IPMs at what they perceive to be a continued lack of access to a basic regime. IPMs spoke to ten prisoners and provided a report to HMP Low Moss senior management.

Changes and Improvements

Purposeful Activity: The population of Low Moss increased to an average of 851 for most of the year. This led to some pressure points though IPMs welcomed the increase in numbers of prisoners attending purposeful activity.

Regime: Focus groups were held with affected groups of non offence protection prisoners and a revised regime with longer time out of cell was deployed as far as possible.

Key Aspects for Continued Monitoring

IPMs will continue to monitor the level of regime provided to non offence protection prisoners in both Clyde 1 and Kelvin 1. In addition the prevalence of psychoactive substances within HMP Low Moss and efforts to mitigate the wider personal safety of prisoners and staff in the establishment will continue to be on interest to Independent Prison Monitors.



HMP ADDIEWELL

9 Station Road
Addiewell
West Lothian
EH55 8QF

REGION 4 – SUMMARY REPORTS

HMP ADDIEWELL

IPM Findings

High number of requests: HMP Addiewell continued to receive a high numbers of requests, and this created obstacles for the IPM Team carrying out wider observed practice. The majority of requests received were for very basic issues, which could and should be dealt with by hall staff.

IPM Team: A reduction in the number of IPMs available meant additional visits were harder to carry out, but work was undertaken to look at some key areas, including release from custody, with generally positive findings.

Purposeful activity and time out of cell: The IPM Team were concerned that too many residents did not appear to be fully engaged in any purposeful activity, with lots of residents remaining on the halls, while the number of people at education or activities was unacceptably low.

Staffing: Staffing levels were highlighted as an area of concern by the IPMs for the second year running. The IPM Team had welcomed the commitments made following the inspection of 2018, but were disappointed with the progress made so far. Staff levels were too low, and a high proportion of staff lacked experience. The Team welcomed the commitments made by the interim Director regarding shift patterns and recruitment and retention, and hope to see these commitments delivered on.

Equality and Diversity Group: In line with last year, the IPM Team were concerned that Equality and Diversity Group meetings do not appear to be taking place.

Changes and Improvements

Healthcare: Healthcare remains a consistent issue raised with IPMs. In particular prisoners complained they were not able to attend appointments. The prison acknowledged this concern, and improved their processes to ensure prisoners were taken to healthcare for appointments. IPMs will continue to monitor this system.

Food and the servery: Several residents spoke to the IPM Team about the food, most notably complaining that it was cold. This was raised with the prison management team, and IPMs were pleased to note progress across the halls. However, this remained inconsistent, and too often basics such as checks on temperatures or ensuring the pantry was thoroughly cleaned after each meal service were not completed.

Key Aspects for Continued Monitoring

Staffing: The IPM Team will continue to carefully observe the staffing at Addiewell prison, and raise to the prison management concerns where either the numbers of staff or their experience cause concerns.



HMP EDINBURGH
3 Stenhouse Road
Edinburgh
EH11 3LN

HMP EDINBURGH

IPM Findings

Staff prisoner relationships: Staff and prisoner relationships were generally noted as being extremely positive across the halls. IPMs have generally found staff helpful and responsive, with good knowledge of prisoners in their care. They have dealt with some very challenging and complex cases during the year, and the IPM team have felt they had often gone above and beyond what we would expect in terms of working with prisoners and their families to resolve issues. Where concerns about staff behaviour were raised, IPMs have been pleased with the response of the prison management to investigate and resolve them.

Progression: Concerns about prisoners' progression remained a consistent cause for concern throughout the year, with many prisoners still reporting delays to assessments. IPMs were pleased with the efforts of the management team to improve provision for prisoners, but remain concerned about the effectiveness of the national waiting list and the SPS overall management and control of the process.

Hermiston Hall: The development of the basement in Hermiston Hall last year as an area for group work/recreation for older prisoners was welcomed. IPMs would like to see it being more fully utilised.

Changes and Improvements

Ratho hallway: The physical improvements to the hallway to Ratho were welcomed. IPMs noted the positive benefit to prisoners and staff alike. This should be extended to the rest of the prison.

Pride: The pride event on Ratho was noted by IPMs as a demonstration of the best of HMP Edinburgh. The prisoners were embracing the event, and the staff were engaging with them and involved in the activities. The clear demonstration of respect for LGBTI+ was wonderful to see.

Purposeful activity: IPMs were generally pleased with the work sheds at HMP Edinburgh. Staff were very positive, and clearly engaged in their work and keen to deliver more. The bus project is to be commended. There was concern however that due to staffing problems the work sheds were not as fully utilised as they could be, and too often sheds were empty or shut to release staff to cover absences in residential areas.

Rapiscan: During the reporting year HMP Edinburgh was provided with a 'Rapiscan' to check all incoming mail for drugs. This has had an extremely positive effect in reducing the amount of contraband in the prison.

Key Aspects for Continued Monitoring

Purposeful activity: Monitors are keen to see more use being made of the work sheds.



HMP BARLINNIE

81 Lee Avenue
Riddrie
G33 2QX

HMP BARLINNIE

IPM Findings

Reception area: The IPM team continued to have serious concerns about the ongoing use of the reception holding cells. Concerns have been raised by various Chief Inspectors and justice committees for around 25 years, and the delay in the replacement and refurbishment of the area is a stain on Scotland's reputation for an enlightened approach to the treatment of prisoners. The IPM Team however welcomed the recent announcement of £7.5m to refurbish this area, and hope that there are no further delays to these improvements.

Time out of cell: Too many prisoners were spending too long in their cells. IPMs are further concerned that record keeping was not accurate. Monitors have been informed that exercise and recreation have been offered, but this was not verified by prisoners or through IPM observations.

Purposeful activity: Despite concerns about time out of cell, there lots of good work took place at Barlinnie. The Gym provision was noted as having good and accessible activity. The Recovery Café was seen as an example of excellent work taking place in the prison. Generally, the Education Centre appeared to be relatively busy. Work sheds were noted to be functioning well, with prisoners engaged and a good allocation of tasks.

Rising population: The population of the prison remained far too high for most of the year, with associated challenges for prisoners, staff and management. The COVID-19 crisis has seen a substantial reduction in the population and demonstrates this is achievable. The IPMs believe the population must be reduced drastically to ensure no prisoners are required to share a cell, and the population must be maintained at this level if Barlinnie is to offer the service to the prisoners and the wider community that it should.

Adapted cells: The IPM Team are concerned about the lack of adapted cells for prisoners who require them. Due to overcrowding at Barlinnie, too many prisoners are in cells that are unsuitable for their needs. The SPS and the Scottish Government should take urgent action to rectify these problems.

Deaths in Custody: During the reporting period, there were a number of deaths. The IPM team acknowledge the impact this has on the whole prison, prisoners and staff alike, as well as the terrible loss for the individuals family and friends.



Changes and Improvements

Visit hall: Prisoners reported positive experiences of visits. The visit hall was reported to be conducive to a welcoming, family friendly atmosphere with improved provision for younger and older children alike.

Equality and Diversity: The IPM team were pleased work was undertaken on Equalities and Diversity. It was positive to see the prison putting resources into this area, and a member of staff talking to prisoners about their experiences. IPMs welcome the report that was produced and look forward to seeing improvements being driven forward.

Key Aspects for Continued Monitoring

The reception area: The conditions in the reception and admission areas will remain the primary focus of the IPMs.

Population management: The impact of overcrowding on prisoners and staff alike will be monitored by IPMs



ANNEX B

2020-21 PLANNED INSPECTIONS

HMIPS planned to visit five prisons during 2020-21 but have had to adjust our programme in response to COVID-19, although they remain priorities for full inspection when we are able to resume. We included HMPs Kilmarnock, Low Moss and Shotts early in our programme of one day liaison visits using our revised inspection methodology adjusted in response to COVID-19. HMP YOI Cornton Vale also formed part of our liaison visits in 2020.

Establishment (in alphabetical order)

HMP Kilmarnock

HMP Low Moss

HMP Open Estate

HMP Shotts

HMP YOI Cornton Vale

Note: we will also carry out further announced and unannounced CCU inspections



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