



HMIPS

HM Inspectorate of Prisons for Scotland
INSPECTING AND MONITORING

NEWS RELEASE

HMIPS ANNUAL REPORT 2019 - 2020

Chief Inspector Wendy Sinclair-Gieben stated: "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. 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.

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. 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. Prisoners recognised the efforts made by prison staff to keep them safe from COVID infection and prisoners' cooperation with a considerably reduced regime 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.

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. We therefore adapted our methodology during COVID-19. Remote monitoring and liaison visit frameworks for prisons and Court Custody Units were developed and implemented with demonstrable success.

While the significant investment made in relatively recent years in new facilities 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, a lack of accessible cells, and steep narrow stairwells unsuitable for older or more infirm prisoners. These grim realities 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 positive, but it remains to be seen whether, without further changes in approaches to sentencing, sufficient capacity is being created.

The publication in 2019 of the CPT visit to Scotland emphasised some key points of concern and in particular regarding 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. The link between remand, social isolation and self-harm for young people is particularly disturbing. I was pleased therefore that HMP YOI Polmont made every effort to keep young people occupied.

I continue to be hugely impressed by the commitment of staff and their ability to care for and protect prisoners, a substantial proportion of whom are vulnerable. I have seen or heard many examples of staff engaging constructively with prisoners to support them through their court appearance, their time in prison, and preparation for return to the community. I have also heard of the compassion and care shown by staff in responding to emergencies such as suspected drug overdoses or self-harm. These 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 long waits in the Court Custody Units 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.

In our inspection reports we have detailed many examples of good and at times outstanding or innovative practice. We can take pride in how our prisons are run. Nevertheless, we must remain vigilant as some of the restrictions which the SPS was obliged to put in place in response to COVID-19 must be lifted as soon as it is safe to do so if they are not to do harm.

Finally 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.

NOTES TO EDITORS

1. HM CHIEF INSPECTOR OF PRISONS – WENDY SINCLAIR-GIEBEN was appointed to the post of HM Chief Inspector of Prisons for Scotland in July 2018.
2. On publication this report can be found at www.prisoninspectoratescotland.gov.uk
3. For further information please contact Kerry Love, Business Manager at Kerry.love@gov.scot or on 07939 980452.

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