



HMIPS

HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

REPORT ON HMP KILMARNOCK

FULL INSPECTION

7-18 NOVEMBER 2016

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INTRODUCTION AND BACKGROUND

Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) assesses the treatment and care of prisoners in prisons in Scotland against a pre-defined set of standards. These Standards are set out in the document 'Standards for Inspecting and Monitoring Prisons in Scotland', published in March 2015 and which can be found at <https://www.prisonsofscotland.gov.uk/>.

The Standards reflect the independence of the inspection of prisons in Scotland and are designed to provide information to prisoners, prison staff and the wider community on the main areas that are examined during the course of an inspection.

The Standards provide assurance to Ministers and the public that inspections are conducted in line with a framework that is consistent and that assessments are made against appropriate criteria.

While the basis for these Standards is rooted in International Human Rights Treaties, Conventions and in Prison Rules, they are the Standards of Her Majesty's Inspectorate of Prisons for Scotland (HMIPS).

This report is set out to reflect the performance against these Standards and has 10 main sections:

Standard 1	Lawful and transparent custody
Standard 2	Decency
Standard 3	Personal safety
Standard 4	Health and wellbeing
Standard 5	Effective, courteous and humane exercise of authority
Standard 6	Respect, autonomy and protection against mistreatment
Standard 7	Purposeful activity
Standard 8	Transitions from custody to life in the community
Standard 9	Equality, dignity and respect
Standard 10	Organisational effectiveness

HMIPS assimilates information resulting in evidence-based findings utilising a number of different techniques. These include:

- obtaining information and documents from the Scottish Prison Service (SPS) and the prison inspected;
- shadowing and observing staff, as they perform their duties within the prison;
- interviewing prisoners and staff on a one-to-one basis;
- conducting focus groups with prisoners and staff;
- observing the range of services delivered within the prison at the point of delivery;
- inspecting a wide range of facilities impacting on both prisoners and staff;

- attending and observing relevant meetings impacting on both the management of the prison and the future of the prisoners such as case conferences; and
- reviewing policies, procedures and performance reports produced both locally and by SPS headquarters specialists.

HMIPS is supported in our work by inspectors from Healthcare Improvement Scotland (HIS), Education Scotland, the Scottish Human Rights Commission (SHRC) and the Care Inspectorate.

The information gathered facilitates the compilation of a complete analysis of the prison against the Standards used. This ensures that assessments are fair, balanced and accurate. In relation to each Standard and Quality Indicator, Inspectors record their evaluation in two forms:

1. A colour coded assessment marker.

Rating		Definition
Good performance		Indicates good performance which may constitute good practice.
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 .

2. A written record of the evidence gathered is produced by the Inspector allocated to each individual Standard. This consists of a statement against each of the Quality Indicators contained within the Standard inspected. It is important to recognise that although standards are assigned to Inspectors within the team, all Inspectors have the opportunity to comment on findings at a deliberation session prior to final assessments being reached. This emphasises the fairness aspect of the process ensuring an unbiased decision is reached prior to completion of the final report.

KEY FACTS

Location

Her Majesty's Prison Kilmarnock is situated approximately three miles south-east of Hurlford in East Ayrshire.

Role

HMP Kilmarnock is a 506 cell prison facility operated by Serco on behalf of Kilmarnock Prison Services Ltd who provide the services to Scottish Prison Service under a contract with the Scottish Ministers.

The prison population is made up of male remand, short and long-term adult prisoners.

It is the local receiving establishment primarily taking prisoners from the Sheriff Courts of Ayr and Kilmarnock.

Population held at time of inspection

At the time of inspection a total of 497 prisoners were in custody of which 89 were untried or awaiting sentence, 257 were serving sentences of less than four years, 76 serving four to 10 years, 12 serving 10 years plus, with 60 life sentence prisoners, and three Order for Lifelong Restriction (OLR).

Date of last full inspection

October 2011

Healthcare Provider

NHS Ayrshire and Arran

Learning Provider

In-House Team and Ayrshire College

OVERVIEW BY HM CHIEF INSPECTOR OF PRISONS FOR SCOTLAND

Introduction

HMP Kilmarnock is one of two prisons in Scotland which are operated by private sector organisations on contract to the SPS. HMP Kilmarnock is operated by Serco, who are also responsible for five prisons in England. Overall, HMP Kilmarnock was a secure and well-ordered prison, where the majority of staff and prisoners told us that they felt safe.

I am grateful to the guest inspectors from the SPS, Healthcare Improvement Scotland, the Care Inspectorate, Education Scotland and the SHRC who assisted with this inspection.

Inspection Findings

In relation to the 10 Standards for Inspecting and Monitoring Prisons in Scotland used to inspect HMP Kilmarnock, six were assessed as **satisfactory**, and four as **generally acceptable**.

HMP Kilmarnock has operated by Serco under a contract since 1999. Inspectors noted that the existence of the contract was an element of many of the discussions they had with managers, staff and, on occasions, prisoners. The contract was seen by many as a barrier to progress and a reason for inflexibility and resistance to change. It seemed to be the reason why staff appeared to be given little by way of discretion in their interactions with prisoners. An example of this was in the numbers of prisoners who were placed on report for not attending work when there may have been legitimate reasons for them being excused. When this issue was examined in more detail, we were informed that the contract did not allow such flexibility. It is possible that this mentality led some staff and managers not to take responsibility for introducing change and improvements, in the belief that such innovation was not encouraged. We would encourage SPS and HMP Kilmarnock to find a way to promote the perspective that the contract is a facilitator of change and resourcefulness rather than a barrier to it.

We were encouraged to find positive relationships between prisoners and staff in all areas of HMP Kilmarnock. Inspectors witnessed some good examples of interactions, such as responding to the arrival of a man who had been sleeping rough for some time. The Reception staff showed true care and compassion to his predicament ensuring that his personal property was laundered prior to being placed into storage.

There were a number of positive practices observed in HMP Kilmarnock, which are highlighted in the report. The following are worthy of particular note:

- the ability for the families and friends of prisoners to pay money into the prisoner's personal cash account via a secure on-line payments system offers a number of obvious advantages;

- the provision of a prisoner-operated digital information system, known locally as the Automated Teller Machine (ATM) and available on each residential wing, was an effective means of communication with the prisoners, allowing them to manage such matters as choice of menu and ordering from the canteen;
- the Email-a-Prisoner Scheme was seen as a valuable way to maintain regular contact with family members and its availability by means of the ATM was an excellent development; and
- the facility for prisoners to pay outstanding rent arrears from their prison earnings whilst in custody was another valuable improvement. This had the potential to encourage prisoners to take personal responsibility for the debts they had accrued and would undoubtedly be seen as positive by housing providers.

Family Contact Officers (FCOs) at HMP Kilmarnock were highly valued for the support they provided for prisoners and their families to maintain and develop positive links. Similarly, the work of the Physical Training Instructors was recognised as meeting the needs of a wide range of prisoners. An example of this was the comprehensive and well-attended health and wellbeing event held in the gymnasium during the week of the inspection, which was supported by a wide range of community service providers.

While there were positive aspects of the provision of healthcare in HMP Kilmarnock, overall Standard 4, Health and Wellbeing, was assessed as only generally acceptable due to the key nature of some of the Quality Indicators (QI) marked as poor. Whilst there was a desire to improve the healthcare for the prisoners, the physical infrastructure of the health centre and the lack of appropriate clinical space hindered the ability to deliver and develop good quality services. There were substantial delays in accessing some specialist services, particularly in relation to mental health assessments and dental treatment. Healthcare staff said that they did not feel safe or particularly well-supported by operational staff. There were concerns that confidentiality was compromised by the arrangements in place for consultations with healthcare staff.

It was apparent that the configuration of rooms in the health centre was a barrier to the provision of a wider and more diverse range of health services for the patients. Despite there being a mutual agreement that reconfiguring the former rooms would be beneficial, a resolution remained frustratingly absent despite the issue having been extant for a number of years. I would encourage HMP Kilmarnock, the SPS and NHS Ayrshire and Arran to come to an early agreement to allow this necessary development to be undertaken.

In relation to the provision of throughcare support for prisoners in HMP Kilmarnock, there were no HMP Kilmarnock staff appointed or funded to be Throughcare Support Officers (TSOs). This was explained as being a consequence of the contract. In recent months two members of staff from Turning Point Scotland had been appointed to provide links to services in the community which would support prisoners after their release from prison. At the time of the inspection it was too early

to see evidence of success of this initiative. It was unsatisfactory that prisoners in HMP Kilmarnock were being denied the same level of throughcare support that they would have received if they had been located in a different prison in Scotland.

A perception existed amongst prisoners that progression through their sentence to access the National Top End and the Open Estate was not as favourable as prisoners in other prisons in Scotland. Inspectors found no evidence to support this position but were struck by how widespread that opinion was. We would encourage HMP Kilmarnock and the SPS to work together to try and eliminate this view within the prisoner group. The operation of the Integrated Case Management (ICM) process was not ideal, particularly in relation to the chairing of meetings and the recording and communication of the outcomes. ICM is a key process in preparing prisoners for progression and reintegration back to their home communities and the shortcomings we found may, in part, contribute to the perception that progression is harder to achieve in HMP Kilmarnock.

The provision of education and learning at HMP Kilmarnock was of a satisfactory standard, with a good range of educational and vocational opportunities available. The Learning Centre could accommodate 50 prisoners but this required there to be two Prison Custody Officers (PCOs) to be in attendance within the unit. Inspectors were informed that on most days they could only accommodate 30 prisoners due to the unavailability of a second PCO. Management should ensure that two officers are available on every day where more than 30 prisoners are booked to attend education.

Lastly, I wish to comment briefly on the issue of transitioning from prison custody into successful citizenship in the community. In line with comments I have made previously, this transition is challenging and one where many individuals require more direct support than is always available. The following set of circumstances illustrates the challenges and could have occurred in any prison in Scotland:

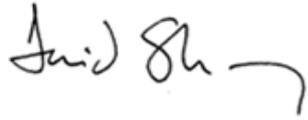
A prisoner was admitted from court on a shoplifting offence. On engaging with him it became apparent that since leaving custody, some eight weeks previously, he had been living in a tent on the edge of a local park as no accommodation was available for him upon his earlier liberation. The prisoner stated that he had deliberately shoplifted and allowed himself to be caught so that he would be sentenced and have access to a dry bed and regular sustenance.

The underlying causes which led to such a situation are complex and cannot be resolved by the prison service alone. All agencies involved in the reintegration of prisoners back into their communities need to work in a collaborative and co-ordinated manner in order to ensure the best possible outcomes.

Next Steps

This inspection report identifies a number of areas of good performance which are worthy of sharing and which I hope will be taken up by other prisons in Scotland. It also highlights where improvements can be made. I look forward to seeing these improvements introduced through the prison's future plans.

HM Inspectorate of Prisons for Scotland will continue to monitor progress in HMP Kilmarnock, through the regular visits of the Independent Prison Monitors and by way of inspection visits.

A handwritten signature in black ink, appearing to read 'David Strang', with a long horizontal flourish extending to the right.

David Strang
HM Chief Inspector of Prisons for Scotland

SUMMARY OF INSPECTION FINDINGS

Standard 1 Lawful and transparent custody

Satisfactory performance	
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Standard 2 Decency

Satisfactory performance	
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Standard 3 Personal safety

Satisfactory performance	
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Standard 4 Health and wellbeing

Generally acceptable performance	
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Standard 5 Effective, courteous and humane exercise of authority

Satisfactory performance	
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Standard 6 Respect, autonomy and protection against mistreatment

Satisfactory performance	
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Standard 7 Purposeful activity

Generally acceptable performance	
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Standard 8 Transitions from custody to life in the community

Generally acceptable performance	
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Standard 9 Equality, dignity and respect

Generally acceptable performance	
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Standard 10 Organisational effectiveness

Satisfactory performance	
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Good Performance

There were 10 good performance Quality Indicators: 1.7, 4.14, 4.16, 6.10, 6.12, 6.18, 6.19, 7.6, 7.23, and 10.2.

STANDARDS, COMMENTARY AND QUALITY INDICATORS

STANDARD 1 - LAWFUL AND TRANSPARENT USE OF CUSTODY

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

Commentary

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

Inspection findings

Overall Rating: Satisfactory performance ●

Throughout the course of the inspection there were few opportunities to witness the admission of new prisoners due to the fact that HMP Kilmarnock is contractually obliged to accommodate a specific number of prisoners, usually 500, unless operational requirements dictate otherwise. However, the reception and admission processes of those witnessed were found to be of a satisfactory standard with the necessary checks in place. The allocation and classification of prisoners was seen to be carried out appropriately and the staff showed a level of professionalism which complemented the routine aspects of the reception role. The correct governance structures were in place and included an impressive range of management information and auditing systems implemented by the performance and compliance department as required by the contract.

1.1 Statutory procedures for identification and registration of prisoners are fully complied with.

Rating: Satisfactory performance ●

Of the prisoners observed coming into custody, the processes and procedures for identification and registration were in accordance with statutory requirements. On arrival in reception, the seven main aspects of warrant verification and prisoner identification were checked by staff. This was followed by a comprehensive process for warrant confirmation which included appropriate checks and safeguards.

1.2 All prisoners are classified and this is recorded on the prisoner's electronic record.

Rating: Satisfactory performance ●

The classification of prisoners at HMP Kilmarnock was only witnessed on the limited number of instances that a prisoner was admitted over the inspection visit but

comprehensive evidence was provided by the establishment which further confirmed aspects of this indicator. Following an interview, the prisoner was classified on the basis of critical information such as sentence criteria and this was entered on to the electronic system.

1.3 All prisoners are allocated to a prison or to a location within a prison dependent on their classification, gender, vulnerability, security risk or personal medical condition.

Rating: Satisfactory performance ●

As part of the admission allocation process a risk assessment was carried by both prison and nursing staff to determine a suitable location for the prisoner. This was observed during the inspection and included factors such as classification, security risk, risk to self and risk to others. The location of prisoners was also discussed with several of the residential management team with reference to a number of high profile and vulnerable prisoners. Involving both reception and residential staff in determining a suitable location for a prisoner worked well.

1.4 A cell sharing risk assessment is carried out prior to a prisoner's allocation to cellular accommodation.

Rating: Not applicable ○

The contract under which HMP Kilmarnock operated required prisoners to be located in single cells unless an operational protocol is invoked which meant cell sharing risk assessments were not common place. Notwithstanding this, reception managers were able to talk inspectors through the procedures that existed for cell sharing risk assessments. At the time of the inspection there were no prisoners in shared accommodation so it was not possible to properly assess this indicator.

1.5 Release and conditional release eligibility dates are calculated correctly and communicated to the prisoner without delay.

Rating: Satisfactory performance ●

Release and conditional release dates were calculated in reception and communicated to the prisoner before he left for the residential area. The dates were confirmed by the court desk and could be accessed via the ATM in the residential area whenever the prisoner was unlocked.

1.6 The statutory duties and powers granted to the governor or director are performed as required by law.

Rating: Satisfactory performance ●

Statutory powers granted to the Director of HMP Kilmarnock, including areas of governance such as Health and Safety and Food Hygiene Regulations, were performed as required by law. A team of SPS controllers were on site to ensure

Prison Rules were administered in accordance with both the contract and the law as well as managing early release on Home Detention Curfew (HDC) and adjudications.

1.7 Appropriate action has been taken in response to findings or recommendations of monitoring, inspectorial, audit or judicial authorities that have reported on the performance of the prison since the last full inspection.

Rating: Good performance 

HMP Kilmarnock had a comprehensive system in place to track audits and actions against those audits, which were then checked and confirmed on Symbiant, the electronic program used for this task. Numerous examples were provided to inspectors as evidence of this in action. A detailed audit plan was also reviewed during the inspection visit and it was clear that the Performance and Compliance Department were an integral part of the prison's management structure. Good performance under this QI was facilitated by the solid relationship between the Performance and Compliance Department and the on-site Controller Team. Audits were carried out on a joint basis or separately by each team and these could be either announced or unannounced.

STANDARD 2 - DECENCY

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

Commentary

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

Inspection findings

Overall Rating: Satisfactory performance ●

The responsibility to provide a decent living and working environment was taken seriously by the staff and management of HMP Kilmarnock. The buildings were clean, tidy and well-ordered and cleanliness levels were maintained by well-established processes. However, in terms of the prison infrastructure itself, there was room for improvement regarding, in particular, the lack of appropriate spaces for staff to engage with prisoners on a one-to-one basis. This availability was problematic not only in the wings but also in the main activities building and the health centre. Although it was obvious that staff do their best to create space for this sort of engagement, it should be addressed, where practicable, to maximise prisoners' privacy and confidentiality.

In relation to accessing cleaning materials, bedding and clothing there were clearly some differences in opinion between staff and prisoners which was exacerbated by the lack of a single, coherent and clearly communicated approach. Staff and management should review their approach to the laundry processes and also ensure that prisoners understand the changes that have been made recently regarding access to cleaning materials and consumables such as toilet paper.

An excellent resource was the ATM facility located in each wing and on each flat which allowed prisoners to make their own food choices, arrange visits and manage their own money. This reduced reliance upon staff for every aspect of a prisoner's life and afforded a degree of self-determination, a key element in creating a sense of decency whilst in custody.

Quality Indicators

2.1 The prison buildings, accommodation and facilities are fit-for- purpose and maintained to an appropriate standard.

Rating: Generally acceptable performance 

The prison buildings were well-maintained through the operation of cleaning schedules and a structured planned preventative maintenance programme. Prisoners were employed to maintain the cleanliness of the building in most areas with more sensitive areas such as the management suite and non-secure areas cleaned by HMP Kilmarnock staff.

Since 1999 when the building came into use, the nature and emphasis of the work undertaken by prison staff had shifted in the direction of one-to-one interaction. It was noticeable that the fabric of HMP Kilmarnock unintentionally compromised the ability of staff to carry out this sort of work confidentially. In order to support staff in these responsibilities, particularly Personal Officers and other key staff members, some investment is required in the fabric of the building so as to provide space for confidential conversations and activities. Comment on the suitability of health centre facilities can be found in Standard 4.

2.2 Good levels of cleanliness and hygiene are observed throughout the prison ensuring procedures for the prevention and control of infection are followed.

Rating: Satisfactory performance 

Cleanliness was maintained at a good standard throughout the establishment due to clearly executed cleaning schedules. However, in relation to special circumstances such as dealing with a prisoner suffering from an infectious illness, we would encourage management to review their approach, in conjunction with NHS, to ensure current infection control standards are properly observed. The mitigation of cross-infection risk was fully understood by staff, as was their role in dealing with a patient who may have an infectious illness. Yet, there appeared to be a gap in protocol relating to how the individual's cell would be cleaned once the prisoner had recovered. Deep cleaning was undertaken but clear guidelines would be valuable in laying out the nature of the cleaning process to ensure that the deep clean addressed not only the equipment and contents, but the fabric of the cell as well.

2.3 Cleaning materials are available to all prisoners to allow them to maintain their personal living area to a clean and hygienic standard.

Rating: Generally acceptable performance 

During the inspection visit, this area presented as a matter of some contention. Even though their cells and living areas were clean, most prisoners we spoke with noted difficulties in obtaining cleaning materials. On further investigation, there was no real change in the purchase of such materials by management, or usage by prisoners, and the orders could be traced back for many years as evidence of this. In each of

the residential areas, stores were well-stocked and ordered. Inspectors came to the conclusion that while the task of controlling the provision of cleaning materials had been transferred from passmen to staff there was a lack of understanding of this amongst the prison population. Clearer communication of this, and the reasons which led to the change, would likely mitigate any further tension in this area.

2.4 All prisoners have a bed which is fit-for-purpose and in good condition.

Rating: Satisfactory performance ●

As stipulated in the contract, all prisoners in HMP Kilmarnock were in single cell accommodation and provided with either a single bed or a bunk bed, all of which were in good order. In accordance with HMIPS reports published about other establishments which are faced with the same issue, the quality of the mattresses should be reviewed as they were easily compressed and allowed for the bed frame beneath to be readily felt when lying down. Appropriate bedding must be provided if prisoners are expected to participate fully in the activities available to them.

2.5 All prisoners are given sufficient bedding or are allowed to supply their own. Bedding is in good condition, clean and can be laundered regularly.

Rating: Generally acceptable performance ●

The bedding observed by inspectors was clean and of good quality. However, the process for laundering of bedding varied depending upon the prisoner location or individual preference; some would send their bedding to the main laundry and some would launder it themselves in the wing facilities. This variability meant that it was not possible to confirm that bedding was washed or changed on a weekly basis. We would have expected to find a clear and consistent process across the establishment of this with all but personal clothing being washed centrally. Lack of clarity was also observed concerning the identification and disposal of bedding that was no longer fit-for-purpose. Further to this, inspectors were informed that serviceable, prison issue clothing was regularly found in hall rubbish bags by the recycling team. These issues emphasise the need for a process to be introduced regarding the laundering and disposal of items provided by the establishment.

2.6 A range of toiletries and personal hygiene materials are available to all prisoners to allow them to maintain their sense of personal identity and self-respect.

Rating: Satisfactory performance ●

The establishment provided a satisfactory range of products and other items could be purchased from the wide selection at the prison canteen by those who wished to and had the funds.

2.7 All prisoners have access to washing and toileting facilities that is either freely available to them or readily available on request.

Rating: Satisfactory performance ●

At HMP Kilmarnock each cell had its own toilet and wash-hand basin, whilst shower facilities were located on each of the flats. Prisoners openly acknowledged that access to these was available as often as was required and no restrictions on their use were in place.

2.8 All prisoners have supplied to them or are able to obtain for themselves a range of clothing suitable for the activities they undertake. The clothes available to them are in good condition, fit-for-purpose and allow them to maintain a sense of personal identity and self-respect. Clothing can be regularly laundered.

Rating: Generally acceptable performance ●

Similar to the issue of access to cleaning materials noted in QI 2.3 there was a difference of opinion between staff and prisoners regarding the provision of prison clothing. Prisoners were of the view that clothing was not in plentiful supply and that items such as fleeces were very difficult to obtain. Yet, when investigating further, inspectors were shown records marking the establishment's purchase of similar quantities of clothing over a long period of time.

Prisoners were also found hoarding prison issue clothing in their cells and staff in recycling often recovered serviceable items thrown away. Inspectors took the view that this discrepancy may be linked in part to the lack of consistent approach implemented with regard to laundering and disposal of prison issue clothing. In light of this, management should review the arrangements in place for the laundering and provision of clothing to ensure it meets the needs of the prisoners and the establishment.

2.9 The meals served to prisoners are nutritionally sufficient, well-balanced, varied, served at the appropriate temperature and well-presented.

Rating: Satisfactory performance ●

HMP Kilmarnock's daily allowance for prisoner food (£2.88) was slightly higher than in SPS establishments and provided breakfast, a soup and sandwich lunch along with a two course hot meal in the evening.

Food was cooked in the main kitchen and transported to the wing pantries in heated trolleys. Whilst the food tasted by inspectors was hot and well-presented, the long time that baked or fried foods sat in the heated trolleys resulted in reduced quality. Taking this into account, and noting that this is experienced in other establishments too, the food delivered was as well-presented as possible. Management should, however, ensure that the food transportation process allows for food to be served as close to the time of production as possible and spends a minimal amount of time in the trolley. The establishment almost always used recipes that had been

independently analysed with nutritional content readily available and a nutritionally balanced diet was achieved for the prisoners.

2.10 The meals served to each prisoner conform to their dietary needs, cultural or religious norms.

Rating: Satisfactory performance ●

A wide range of cultural and religious preferences were catered for and prisoners were able to choose such options from the menu provided via the ATM on each wing. Any other specific dietary needs were met by the kitchen on the advice of medical staff. Where a specific need could not be met from the menus provided, the catering staff met with the individual to ensure that an appropriate menu choice was provided.

STANDARD 3 - PERSONAL SAFETY

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

Commentary

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

Inspection findings

Overall Rating: Satisfactory performance ●

When speaking with staff from a diverse range of duties and prisoners representing the main population groups in focus groups during inspection, there were very few concerns expressed about safety in HMP Kilmarnock and the atmosphere around the prison confirmed this. There was one clear and significant exception to this, a number of NHS staff reported feeling unsafe and some of the practices used, such as consultation room doors being left ajar, were justified as necessary for staff safety. This situation should be reviewed in order to understand why NHS staff feel this way when the rest of the staff group do not.

Prisoners who were at risk to themselves were assisted and cared for appropriately whilst those individuals who posed a risk to others were well-managed by the prison. In connection with this, the Separation and Reintegration Unit (SRU) was also used effectively. Satisfactory contingency plans and response protocols were in place to deal with unexpected incidents as and when they arose. Forums such as the Tactical Tasking and Co-ordination Group (TTCG), the Keep Separate protocol, the Managing Fear Inducing, Intimidating and Violent Behaviours policy and the ACT 2 Care policy were all in place to reduce instances of violence, tackle bullying and care for vulnerable prisoners who may be at risk.

Relationships between the majority of staff and prisoners were noted as being positive and this was observed throughout the inspection visit.

HMIPS were made aware of staff concerns about the lack of breaks for residential staff while undertaking shifts in excess of six hours. If this is the case we would expect management to satisfy themselves that this shift pattern does not contravene the Working Time Regulations.

3.1 All reasonable steps are taken to minimise situations that are known to increase the risk of aggressive or violent behaviour. Where such situations are unavoidable, appropriate levels of supervision are maintained.

Rating: Satisfactory performance ●

The process for minimising the risk of violent behaviour began in reception or in the case of a planned transfer, at the sending establishment, and appropriate measures were in place regarding the location of prisoners and the use of the SRU. Further to this, a number of inspectors commented on the positive relationships observed between staff and prisoners and in particular, when a violent incident was witnessed those not involved responded well to staff instruction. As part of its anti-violence policy and processes, the prison operated a Managing Fear Inducing, Intimidating and Violent Behaviours Strategy. For this strategy to be fully effective, we would encourage management to ensure that staff understand exactly what it includes. The prison also employed forums such as the TTCG to reduce the likelihood of violent instances.

3.2 The requirements of Health and Safety legislation are observed throughout the prison.

Rating: Satisfactory performance ●

A Health and Safety Committee met on a regular basis and a formal process of Health and Safety inspections was observed throughout the prison which records findings along with actions tasked to appropriate staff. Training levels were appropriate and audits were carried out by both HMP Kilmarnock and the SPS Controller Team.

3.3 All activities take place according to safe systems based on realistic risk assessments.

Rating: Satisfactory performance ●

A comprehensive set of risk assessments and safe systems of work were available and tested on a random selection basis by a number of inspectors. These were considered as a satisfactory standard.

3.4 The behaviour of staff contributes to the lowering of the risks of aggression and violence.

Rating: Satisfactory performance ●

In general, all prisoners spoke favourably of their relationships with staff. Moreover, staff acknowledged that their manner of interaction with prisoners played a direct role in lowering risks of aggression and violence. It was observed that when larger groups of staff were carrying out supervisory duties like the route, they did so competently. It was reported by inspectors that on some occasions the staff could be encouraged to be even more challenging towards certain individuals in the

residential areas. However, in the SRU and house blocks, staff were witnessed dealing with difficult individuals in a very positive manner and should be commended for this.

3.5 Care is taken during the period immediately following the admission of a prisoner to ensure their safety.

Rating: Satisfactory performance ●

During the admission process, risks presented by the prisoner were considered and during interviews with Reception staff the prisoner was given the opportunity to discuss any issues they felt were relevant. These interviews were then followed up with an interview with the nurse to ensure a rounded assessment of the prisoner. Inspectors observed the admission of one prisoner who had been homeless before coming into custody and Reception staff were particularly attentive to his situation. Alongside the staff, HMP Kilmarnock had a prisoner in a peer support capacity who met with all those admitted as soon as possible after admission to assist with the transition into custody. In deliberations regarding the best location for individuals, both reception and residential staff demonstrated care and an awareness of the requirements of each individual depending on their circumstances.

3.6 The prison implements thorough and compassionate practices to identify and care for those at risk of suicide or self-harm.

Rating: Satisfactory performance ●

At the time of inspection, there were two prisoners deemed as being at high risk of suicide or self-harm and as a consequence were being managed under the ACT 2 Care process. These cases presented very different sets of challenges for the staff involved in terms of their day-to-day management. Inspectors attended case conferences for both individuals and examined the accompanying paperwork. Staff involved in both case conferences were professional and displayed a high level of care and compassion, as is to be expected in these circumstances. Both prisoners were offered time out of their cells on a regular basis and staff did their utmost to engage with them meaningfully whenever the opportunity arose.

3.7 The prison takes particular care of prisoners whose appearance, behaviour, background or circumstances leave them at heightened risk of harm or abuse from others.

Rating: Satisfactory performance ●

Risk assessments were conducted for all prisoners in reception during which evaluations were made as to whether the prisoner posed any risks to themselves or to others and equally whether they would be at risk of abuse from others. For high profile prisoners these processes took place prior to their arrival. As mentioned before, the prison used a Keep Separate protocol and a Managing Fear Inducing, Intimidating and Violent Behaviours policy as well as the ACT 2 Care policy. Every effort was made to integrate prisoners where possible but where this was not practicable, the protection facility was available.

3.8 The allocation, management and supervision of prisoners known to present a risk takes into account the nature of the risk they present.

Rating: Satisfactory performance ●

At the time of inspection there were a small number of prisoners who could be described as high profile or were known to present a risk at HMP Kilmarnock. Inspectors deemed that the level of supervision these prisoners were subject to was commensurate with the risk presented and the risks posed were routinely discussed at forums such as the TTCG with appropriate measures enacted where necessary as a result. Also during the inspection a security awareness week was held with focus on high profile individuals throughout the prison.

The relationship between HMP Kilmarnock staff and the SPS Controllers worked well with respect to managing those deemed as being at risk in the establishment; all decisions to remove prisoners from association were signed-off by the Controllers and the paperwork was of a good standard.

3.9 Where bullying or harassment of prisoners is suspected or known to have taken place, steps are taken to isolate those responsible from their current or potential victims and to work with them to modify their behaviour.

Rating: Generally acceptable performance ●

HMP Kilmarnock was proactive in tackling bullying and harassment and employed a number of different approaches to do so. Staff challenged the behaviour of prisoners who were known to be bullying others and where necessary removed them from association in serious circumstances. The Keep Separate protocol was used to ensure that prisoners who experienced difficulties with other individual prisoners were kept apart. In addition, intelligence was routinely gathered relating to anti-social behaviours exhibited by prisoners and again this was challenged appropriately by staff. We would encourage HMP Kilmarnock to develop their staff group in line with the Managing Fear Inducing, Intimidating and Violent Behaviours policy so as to ensure staff members have all the necessary skills to continue to effectively challenge prisoners who display this sort of behaviour.

3.10 Those who have been the victims of bullying or harassment are offered support and assistance.

Rating: Satisfactory performance ●

During the inspection visit it was clear that every effort was made to assist any prisoner who found themselves the victim of bullying or harassment. Staff and prisoners during focus groups commented positively on the efforts made to care for disenfranchised individuals or groups and senior management were keen to highlight that where individuals were bullying others, it would be the perpetrators who would be moved first rather than the victims. It was apparent that every effort would be made to ensure that victims of bullying or harassment need not resort to protection status for safety.

3.11 Allegations or incidents of mistreatment, intimidation, hate, bullying, harassment or violence are investigated by a person of sufficient independence and lead to appropriate management action.

Rating: Satisfactory performance ●

The approaches taken to deal with situations of this nature were outlined in the Managing Fear Inducing, Intimidating or Violent Behaviours policy. Options ranged from residential staff and managers tackling the issue on the wing to a more tactical approach by managers from the Intelligence Management Unit (IMU). During the inspection we spoke to a number of Custodial Operations Managers about the policy and they confirmed how it would work in the event of these allegations being made by a prisoner.

3.12 Systems are in place throughout the prison to ensure that a proportionate and rapid response can be made to any emergency threat to safety or life that might occur.

Rating: Satisfactory performance ●

Over the course of the inspection visit and particularly in focus groups, the staff were clear that when a staff alarm was activated there were appropriate levels of staff responding in a very timely manner. The first response protocol consisted of six members of staff - two from house block one, two from house block two, one from the gymnasium and one from reception - and was allocated by radio call sign. Several members of staff confirmed that the response worked well and when a staff alarm was activated during the inspection, this was observed with appropriate levels of staff responding to the incident.

3.13 There are emergency means of communication and alarms throughout the prison; they are tested regularly and are working satisfactorily.

Rating: Generally acceptable performance ●

Throughout the establishment there was a general alarm system with points located in various parts of the prison. However, in some areas these points were located quite high up the wall and in one setting the point had a number of obstacles beneath it which meant that some staff members would be unable to reach the alarm point unless they climbed on top of the obstacles. Evidence provided showed that both general and personal alarm systems were regularly tested.

3.14 There is an appropriate set of plans for managing emergencies and unpredictable events and staff are adequately trained and exercised in the roles they adopt in implementing the plans.

Rating: Generally acceptable performance ●

In the case of unpredicted and emergency events, contingency plans were available either in paper form or electronically within a secure folder which had restricted access to a limited number of personnel. HMP Kilmarnock had staff trained in key

roles such as Siege Area Co-ordinator and Operational Support Team Leader in the event of a serious incident and a week of local incident management training takes place annually with staff from SPS College. When analysing training statistics there appeared to be a shortfall in advanced operational support team training with regards to the establishment's requirement. However, we are aware that this has been foreseen by management and training is to be fully completed in early 2017.

STANDARD 4 – HEALTH AND WELLBEING

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

Commentary

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

Inspection findings

Overall rating: Generally acceptable performance 

The clinical operations manager and the healthcare team had a clear vision and desire to improve healthcare services for the patients in HMP Kilmarnock, however, the physical infrastructure of the health centre and lack of appropriate clinical space to see patients hindered the ability to deliver and develop services within the prison.

Much of the accommodation within the health centre was no longer fit-for-purpose. Some of the rooms were unusable and required significant refurbishment before they could be used as consultation rooms. The health centre's clinical operational manager had submitted her concerns and a business case to improve the environment, however this had resulted in no tangible improvements through a lack of collaborative agreement between all the parties. This stalemate appears, at least in part, to be based on who is responsible for paying for the changes.

There were substantial waits for access to the dentist; prisoners could wait on average 20 weeks to access a routine dental appointment.

The mental health team had a list of 42 patients waiting to be assessed with no regular audits of referrals and response times. This meant the mental health team could not reliably explain how long people were waiting to be seen for assessment. **This was a concern.**

Patient flow appeared to be the biggest challenge with many prisoners not arriving on time for their appointment and of more concern, frequent late notice cancellations. HMP Kilmarnock were not able to allow the flexibility of adding patients to the daily list if there were cancellations due to safety and good order reasons. This resulted in the waste of valuable resources.

The referral process for accessing services provided in the health centre was unclear to both prisoners and staff. Referral forms were not written in plain English, were poorly laid out and written in small print.

Inspectors were also concerned that prisoners did not always have access to confidential consultations with healthcare staff.

There were areas of good practice such as the work being undertaken in the management of long-term conditions and the development of a prescribing formulary exception local operating procedure. The healthcare team had also been able to reduce the number of daily medicine administration rounds from four to two, allowing nursing staff time to focus on delivering their long-term condition clinics and planning future group work for mental health patients. However, lack of suitable healthcare accommodation to hold the clinics was impeding progress.

4.1 There is an appropriate level of healthcare staffing in a range of specialisms

Rating: Generally acceptable performance 🟡

Prisoners could access a range of specialist services which were available in the prison including: psychiatry; podiatry; GP and out-of-hours services; blood borne virus and optical services.

A Dentist and Dental Hygienist Service was available.

There were no learning disability nurses employed within the core healthcare team however, there were two trained nurses who had undertaken additional training and were link nurses for learning disabilities. Additional training had also been given to general nurses to enhance their knowledge and skills in relation to tissue viability and diabetes.

The current structure of the core healthcare team had recently been reviewed. At the time of inspection, the team had no healthcare support worker in place to support registered nursing staff, therefore registered nurses were having to carry out tasks normally undertaken by the healthcare support worker instead of their clinical duties. A number of vacancies had recently been filled and a Registered Mental Health Nurse Band 6 nurse was due to take up post. There was full-time administrative support for the team.

The prison had no regular provision for clinical psychology, occupational therapy, speech and language therapy or dieticians. **This was a concern.**

Additional support was provided from a specialist substance misuse pharmacist who had in collaboration with the clinical operations manager and prison GPs developed a prescribing formulary exception local operating procedure. They had also reviewed the daily Administration Rounds; successfully reducing medication rounds from four times daily to twice daily and reviewed the In Possession Medication Guidance for HMP Kilmarnock. **This was practice worth sharing.**

4.2 Prisoners have direct confidential access to a healthcare professional.

Rating: Poor performance 🟠

There was not a consistent approach for prisoners to access and make referrals to the healthcare team, with the documented process for referrals not being followed by patients and staff. On speaking to both prisoners and staff we were given conflicting

responses in relation to the process for referring. The health centre's 'Local Operating Procedures for referrals', stated that prisoners should ask healthcare staff for a referral form. On visiting the wings we saw that there were referral forms openly available in the wings, though this was not consistent throughout the estate.

On reviewing the referral forms and information leaflets we observed that they covered a range of services, however they were not written in plain English, were poorly laid out and written in small print. We were informed that referral forms in other languages were not readily available however these would be made available on request.

We observed the process for patients to make a referral to the healthcare team. Once completed the initial referral form was placed in a locked post-box located outside the triage rooms. Staff emptied the boxes daily and administration staff recorded the number of referrals received and signposted them to the appropriate service. A slip of paper stating that their referral had been received (without an envelope) was returned to the patient. Patients were not given any indication of when they should expect an appointment.

The health centre staff were aware of the shortcomings of the current process and a new referral system response, using the ATM system was being considered, however, there were issues relating to information governance which needed to be explored further before this could be progressed and implemented.

4.3 Appropriate confidentiality of healthcare consultations and records is maintained in the prison.

Rating: Poor performance 🟡

We observed that confidentiality was not always appropriately maintained during healthcare consultations. In the health centre privacy curtains were not used and doors were not fully closed during consultations. Custodial officers stood directly outside the rooms. Further to this, inspectors observed that repeatedly a custodial officer was present during nurse triage clinics in the wings. The decision to have a custodial officer present during a consultation should only be taken when a risk to staff safety has been identified through a formal risk assessment and supported by documentary evidence.

The room where ACT 2 Care case conferences were held contained a white board showing the observation status of other patients, breaching confidentiality requirements.

In contrast, we did observe supervised drug administration where the prison officer stood outside in the corridor but not directly next to the prisoner so any conversation could not be heard.

Confidentiality was generally maintained with regards to the retention of patients' health records. Appointment slips and results information from health staff was given to patients in a sealed envelope which was marked as confidential.

Information about a patient was shared with custodial staff through the PR2 system. Medical markers or alerts contained only sufficient information to ensure the management of risks.

During GP consultations confidentiality of electronic and paper-based information was maintained: the computer screen was not visible to the prisoner and patients' paper health records and drug Kardex were securely stored within the health centre and could only be accessed by health staff.

4.4 Healthcare provided in the prison meets accepted professional standards.

Rating: Satisfactory performance ●

At the time of our visit, the current structure of the core healthcare team had recently been reviewed to enable the future healthcare needs of the prisoners to be met. The Clinical Operational Manager had a clear vision for the team and service. The review included staffing requirements, managerial and governance arrangements, and reporting lines for assurance.

There were clear systems in place for checking Nursing and Midwifery Council registrations and supporting revalidation for nursing staff. Nursing staff told us that they felt supported with revalidation.

All staff had up-to-date knowledge and skills framework plans and scheduled review dates. Staff were up-to-date with their mandatory training and reported that access to training identified through knowledge skills and framework was good.

The induction process for new staff was comprehensive and detailed. This was validated by staff who said that they valued the induction process.

Clinical supervision and line management support was not readily available to the mental health nurses. A Band 6 clinical nurse had been recruited to provide overall leadership to the mental health nursing team. A start date had been agreed for them to take up post.

The healthcare team had been able to reduce the number of daily medicine administration rounds from four to two, allowing nursing staff time to focus on planning future group work for mental health patients and enabling the healthcare team to run long term condition clinics.

We observed the administration of controlled drugs and were satisfied that the process of administration and recording were in line with the Nursing and Midwifery Council guidelines and NHS Ayrshire and Arran's policy for the administration of controlled drugs.

4.5 Where the healthcare professional identifies a need, prisoners are able to access specialist healthcare services either inside the prison or in the community.

Rating: Poor performance 🟡

Referrals to NHS services out with the prison were made by the appropriate clinician, for example the GP. A paper-based system was in place as the IT system did not support electronic referral.

The number of custodial officers required in order to allow the health centre to operate at maximum efficiency was disputed by the parties involved. Health centre staff were clearly of the view that four were required, with HMP Kilmarnock of the view that three was all that was required. This situation requires to be resolved as a matter of urgency in order that specialist healthcare services and clinics within the prison run to full capacity. **This was a concern.**

The physical infrastructure of the health centre and lack of appropriate clinical space to see patients also hindered the ability to deliver core and specialist clinics within the prison.

Although mental health nurses could offer low intensity psychological interventions, with no clinical psychology service in the prison, prisoners were not offered any specialist high intensity interventions.

Dental and optician services were largely provided by community based providers. Although eight dental clinics were held within the prison every week, the waiting time for a routine appointment was 20 weeks. We were advised by the dental team that at the time of our visit 145 patients, equating to 29% of the total prison population, were waiting to be seen. Patient flow appeared to be the biggest challenge; prisoners not arriving on time for their appointment, frequent cancellations, and HMP Kilmarnock not allowing patients to be added to the daily list if there were cancellations.

The primary care team were pursuing a proposal for two new clinics, a review clinic for new prisoners after they had been in the prison for two weeks, and a pre-liberation clinic to identify potential issues and put in place appropriate through care services. Lack of suitable healthcare accommodation to hold the clinics were impeding the process.

We were informed that for prisoners identified as being at risk of suicide or acutely mentally unwell, the mental health team triaged referrals to ensure these individuals were seen quickly. However, we were concerned that there was no standardised team approach to screening and discussing referrals.

Subsequent communication with the prisoner about progress of their referral, and what they should do if their mental health deteriorated whilst waiting to be seen, was poor. Furthermore, there were no regular audits of the mental health team's referrals and response times. This meant that the mental health team could not reliably explain how long people were waiting to be seen. During the inspection we were

told that there were 42 patients currently on the waiting list for an initial assessment. **This was a concern.**

4.6 Prisoners identified as having been victims of physical, mental or sexual abuse are supported and offered appropriate treatment. The relevant agencies are notified.

Rating: Generally acceptable performance 🟡

There were no written procedures in place for the notification of abuse occurring within the prison. Staff were told verbally by colleagues during their induction.

Prisoners who suffered injury within the prison were seen immediately by the healthcare team and if the injury was serious would attend the local accident and emergency department.

Within the prison there was limited support available for prisoners who had experienced sexual abuse. Although prisoners could speak to chaplaincy or prison listeners there was no formal counselling or clinical psychology service. Engagement with external specialist agencies and Third Sector Organisations was poor. There were no formal mechanisms to seek specialist support from external agencies. As a result prisoners who had experienced sexual abuse had no access to specialist support. **This was a concern.**

As previously detailed in QI 4.5 the mental health team could only deliver low intensity psychological interventions for patients.

4.7 Care is taken during the period immediately following the admission of a prisoner to ensure their health and wellbeing.

Rating: Satisfactory performance 🟢

Immediately following admission, all new prisoners and those transferred from another prison received an initial physical and mental health needs screening by registered nursing staff. Any prisoners with long-term conditions such as asthma, chronic obstructive pulmonary disease (COPD) or diabetes were identified at this stage to facilitate onward referral to the appropriate nurse-led clinics. We were informed that a urinalysis specimen was also taken and tested. Healthcare staff could access interpreter services through language line for prisoners whose first language was not English.

New prisoners and transfers were seen by the prison GP within 24 hours of admission and prisoners transferred from other prisons were seen within 72 hours. The prison GP could access the prisoner's initial health screening assessment information through the Vision clinical system. The GP completed the ACT 2 Care documentation and if deemed appropriate, any medical markers were put on to the PR2¹ system.

¹ The SPS electronic prisoner records system - version 2

To assist the healthcare team to accurately identify health issues in a timely manner, the prison had introduced a new process to obtain key health information from the prisoner's GP. On admission prisoners were asked to sign a consent form permitting the health centre to contact their GP and to request a summary of their healthcare needs. In addition a copy of the prisoner's emergency care summary was accessed by the prison healthcare staff in advance of receiving their full healthcare records.

This was practice worth sharing.

Medications prescribed were in line with NHS Ayrshire and Arran's guidance for HMP Kilmarnock's prescribing formulary exception local operating procedure and based on evidence-based practice. Several of the prisoners we had the opportunity to speak with conveyed a degree of dissatisfaction with the prison's prescribing guidelines: principally because for some prisoners they did not continue on drugs that were prescribed in the community.

4.8 Care plans are implemented for prisoners whose physical or psychological health or capability leave them at risk or harm from others.

Overall Rating: Generally acceptable performance 

Patients with specific physical health needs had outcome-focused care plans personalised to their individual needs. Disabled cells were available in the wings for prisoners who had disabilities.

When a prisoner was considered at risk of self-harm or suicide, the plan of care was jointly agreed through the Act 2 Care process held within the staff office.

The mental health team offered low level psychological interventions in addition to self-help material. As detailed in QI 4.5 there were 42 patients waiting to be assessed by the mental health team. The mental health nurses managed their own case load and made decisions regarding the discharge of a patient from the caseload. **This was a concern.**

Once a patient was assessed by the mental health team a standardised mental health assessment was taken and documented using the Functional Analysis of Care Environment, a system used by the local mental health services in NHS Ayrshire and Arran. A care plan was generated and completed by the mental health nurse and the patient. Care plans were outcome-focused and personalised. The patient was offered a copy of the care plan.

4.9 Healthcare staff offer a range of clinics relevant to the prisoner population.

Rating: Satisfactory performance 

Healthcare staff were motivated and committed to supporting the health needs of prisoners. There were a range of clinics currently offered such as asthma, COPD, hypertension, epilepsy, and diabetes. As previously discussed in QI 4.5 the primary care team were unable to progress plans to introduce two new clinics, due to the lack of appropriate rooms. The mental health team and addiction team were also

keen to introduce group work into the prison, however, due to the current lack of appropriate rooms to hold groups this work had been unable to progress. Discussions had taken place about utilising the staff room for groups, however this had not been implemented at the time of inspection.

4.10 Preventive healthcare practices are implemented effectively in relation to Transmissible diseases.

Rating: Generally acceptable performance 

Staff were aware of infection prevention and control procedures. Venepuncture was the standard method for assessing the blood borne virus status of new prisoners. Even though this is the least expensive method of testing it requires the prisoner to either volunteer for testing or inform staff of any risk factors on admission to prison. Other prisons offer dried blood spot testing to all prisoners on an opt-out basis during the admission process which has shown to increase uptake. However, the uptake within HMP Kilmarnock to the blood borne virus and sexual health service was good and they provided health promotion as well as testing and treatment.

4.11 Preventive healthcare practices are implemented effectively in relation to the maintenance of hygiene and infection control standards.

Rating: Poor performance 

The physical infrastructure of the nursing triage rooms on the wings was not fit-for-purpose. The room did not have hand wash sinks with mixer taps, there was not sufficient space to conduct clinical interventions and healthcare staff told us that there was no regular cleaning of the triage room by HMP Kilmarnock. This resulted in the majority of healthcare being delivered in the health centre.

With the exception of the dental room there was no evidence of healthcare staff undertaking formal cleaning schedules or routine audits, therefore the healthcare team could not provide assurance that clinical equipment or rooms were clean. We found traces of white dust on low level surfaces throughout the health centre and the triage rooms.

Health centre staff told us that they had contact with the infection prevention and control team at NHS Ayrshire and Arran. The health centre could contact the infection control team for advice if required, and on-site visits were undertaken by the infection control team.

We witnessed good staff hand hygiene and use of personal protective equipment. Hand gel was available in the health centre and triage rooms. Sharps bins and bins for pharmaceutical waste were appropriately labelled and assembled. There was a biohazard team trained to deal with blood spillages.

4.12 Preventive healthcare practices are implemented effectively in relation to the assessment, care and treatment of those at risk of self-harm or suicide.

Rating: Generally acceptable performance 🟡

Risk assessment was captured within ACT 2 Care, including a plan of care that was reviewed on a daily basis. Prisoners were assessed at reception for potential risk of self-harm or suicide by a mental health nurse. For those thought to be at risk ACT 2 Care was commenced.

As detailed in QI 4.5, 42 prisoners were waiting for an assessment with the mental health team with no regular audits of referrals and response times. This meant the healthcare team could not reliably explain how long people were waiting to be seen.

A multidisciplinary meeting was held every two weeks and was attended by the forensic psychiatrist who held clinics on two half sessions a weeks with HMP Kilmarnock staff. A mental health meeting was held weekly with the Consultant Forensic Psychiatrist GP and Mental Health team when patients of concern and patients recently reviewed were discussed. Clear processes were in place for ensuring that once a patient was seen by the psychiatrist and a decision or plan was implemented for their care, this was communicated to all who were involved.

HMP Kilmarnock had “safer cells” which were available within the wings. Staff explained the reason for placement in this accommodation and the issue of anti-ligature clothing to prisoners.

Where admission to a psychiatric unit was indicated, arrangements were made to transfer prisoners requiring assessment or in-patient treatment. This could be to a low secure environment (intensive psychiatric care unit), medium or high secure environment, determined by the level of illness and offence. There could be delays in accessing medium secure beds due to limited national provision.

HMP Kilmarnock did not have a policy in place where custodial officers could give out paracetamol to prisoners. Instead, prisoners were prescribed paracetamol to take as required by the GP (between 24–46 tablets). In effect this meant they had their own supply in their cell to allow them to self-medicate. **This is a concern.**

This had been raised as a risk with both HMP Kilmarnock and SPS. The clinical operations manager had tried to arrange a Patient Group Direction (PGD) to allow nurses to administer paracetamol without a prescription from the doctor. Unfortunately NHS Ayrshire and Arran’s PGD group has exclusions for patients with substance misuse problems or liver failure which potentially excludes many of the patients.

4.13 Preventive healthcare practices are implemented effectively in relation to the care and treatment of those exhibiting self-harming and addictive behaviours.

Rating: Satisfactory performance 

The addiction service staff were motivated and professional with a firm understanding of the healthcare and support needs of their patients.

Once referred to the addictions team prisoners were seen quickly. Regular multidisciplinary meetings were held with the addictions team and mental health team to discuss cases. This collaborative approach to discuss and respond to prisoners' health needs was **practice worthy of sharing**.

HMP Kilmarnock provided opiate replacement therapy before prisoners left the prison to attend court or health related activities.

Due to limited availability of suitable accommodation within the health centre the addiction team were unable to offer therapeutic or education substance use groups for harm reduction or recovery orientated system of care.

Pre-liberation prisoners were given a one to one session on Naloxone use and overdose awareness which had increased the uptake of take home Naloxone.

Prisoners could also self-refer through HMP Kilmarnock to Alcoholics Anonymous or Narcotics Anonymous groups that visited the prison.

4.14 Health education activities for both prisoners and staff are implemented throughout the prison.

Rating: Good performance 

HMP Kilmarnock had taken an innovative peer support approach to delivering health improvement by introducing prisoner health coaches. Prisoners who met the criteria were given training in general lifestyle topics such as blood borne viruses, tobacco, physical activity and healthy weight.

The prison understood the positive benefits of health education and health promotion activities which covered a wide range of topics such as flu vaccinations, bowel screening and smoking cessation clinics.

A drop-in oral health promotion session on arrival to the estate was available for prisoners.

Addiction caseworkers provide one-to-one Naloxone training sessions with prisoners on liberation.

We saw several examples of joint initiatives between HMP Kilmarnock and the NHS such as an exercise group established in partnership with the HMP Kilmarnock gymnasium staff for prisoners with long-term conditions.

4.15 Healthcare professionals working in the prison are able to demonstrate an understanding of the particular ethical and procedural responsibilities that attach to practice in a prison and to evidence that they apply these in their work.

Rating: Satisfactory performance ●

All staff we met were able to articulate the boundaries between professional and ethical issues. The clinical operations manager attended senior prison management meetings to discuss operational issues, review incidents and where possible contribute to resolution. Joint working meetings were held to avoid potential conflict between prison procedures and Nursing and Midwifery Council guidelines.

4.16 Every prisoner on admission is given a health assessment, supplemented, where available, by the health record maintained by their community record. Care plans are instituted and implemented timeously.

Rating: Good performance ●

All newly admitted prisoners or those transferred into the prison received an initial health screen, height, weight and blood pressure, carried out by a mental health nurse. A general assessment was carried out by a GP the next day. The prison had introduced a process whereby prisoners gave their permission for the health centre to obtain a summary of their health needs from their GP. This allowed the healthcare team to quickly and accurately identify health issues. This was **practice worthy of sharing**.

On admission, ACT 2 Care documentation was completed for all prisoners and procedures put in place to support prisoners identified as at risk.

During consultation with the GP patients were given the opportunity to discuss any concerns regarding their care.

Care plans were initiated for patients once they were seen by the healthcare team tailored to address their health needs.

4.17 Healthcare records are held for all prisoners. There are effective procedures to ensure that healthcare records accompany all prisoners who are transferred in or out of the prison.

Rating: Satisfactory performance ●

The majority of healthcare records, including NHS tests, medical or clinical papers held for prisoners were electronic and stored in the Vision clinical system. On

transfer these were scanned on to Docman so they could be accessed by the next establishment.

In cases when prisoners were transferred to another establishment, if the prisoner had specific medical concerns or on-going health needs, the senior nurse practitioner or allocated nurse would discuss these directly with the receiving establishment.

4.18 Healthcare professionals exercise all the statutory duties placed on them to advise the governor or director of any situations in which conditions of detention or decisions about any prisoner could result in physical or psychological harm.

Rating: Satisfactory performance ●

Staff were clear of their statutory duty to pass on any intelligence that may compromise the health and wellbeing of a prisoner or to the safe running of the prison.

Staff confirmed they were able to notify Serco if they felt a prisoner would experience physical or psychological harm, or if this would be worsened, as a result of their restraint and confinement conditions.

All staff were aware of this procedure and were comfortable that it did not conflict with their professional standards and ethics.

4.19 Healthcare professionals fully undertake their responsibilities as described in the law and in professional guidance to assess, record and report any medical evidence of mistreatment of prisoners and to offer prisoners treatment needed as a consequence.

Rating: Satisfactory performance ●

Incidents which involved the mistreatment of prisoners were reported to HMP Kilmarnock and the NHS Board via a variety of mechanisms including the Vision clinical system, PR2, intelligence reporting and the NHS Board's Datix incident reporting system. Instances of mistreatment were also escalated to the NHS Board through the NHS line management structure.

Any incident that occurred out-of-hours was detailed on an incident form along with the treatment given. If the prisoner had received first-aid out of hours they were seen by a member of the healthcare team the next day.

4.20 Effective measures that ensure the timeous attendance of appropriate healthcare staff in the event of medical emergencies are in place and are practised as necessary.

Rating: Generally acceptable performance 🟡

HMP Kilmarnock had an emergency medical response protocol to ensure a timely, appropriate and effective response to a medical emergency.

Both prison staff and healthcare staff had access to standard medical emergency equipment located within the wings, health centre and triage clinics. Healthcare staff could also access a defibrillator within the health centre. There were also defibrillators in both triage rooms.

All medical emergency incidents were discussed, reviewed and recorded at healthcare team meetings.

HMP Kilmarnock log and monitor all responses including medical emergency responses.

Staff were required to attend an annual 'immediate life support' course but this did not include "mock scenarios" regarding emergencies.

4.21 Appropriate steps are taken prior to release to assess a prisoner's needs for on-going care and to assist them in securing continuity of care from community health services.

Rating: Generally acceptable performance 🟡

There was a procedure in place to notify the health centre administration team of all planned releases. A discharge summary was completed by the Pharmacy/Healthcare Assistant and nursing staff which was sent to the community GP on liberation.

The mental health team linked in with the patient's community mental health teams before liberation, the majority of which were within NHS Ayrshire and Arran. Where prisoners were due to be released to another NHS Board area, the appropriate team would be contacted and referrals made for prisoners on release.

As previously detailed in QI 4.5, a shortage of suitable accommodation meant that pre-liberation clinics were only held for all patients on the Addiction Services caseload and for any individual who had current physical health needs which require specific treatment such as Tissue Viability.

The healthcare team told us that they would like to introduce pre-liberation physical healthcare clinics for all prisoners to offer advice and support on general health and wellbeing issues and provide information about the range of community services available within the area.

Prior to release prisoners with addiction issues were required to attend a pre-liberation meeting with a member of the addiction team for one to one Naloxone training. On liberation they were given a three day supply of medication. If they wished to continue Opioid Replacement Therapy the majority of patients were required to attend the community addiction service in the afternoon on the day of their release. This approach could place additional and unnecessary restrictions on the person immediately on release. We were told that if the appointment was not suitable, a new appointment would be arranged.

STANDARD 5 - EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

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

Commentary

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

Inspection findings

Overall Rating: Satisfactory performance ●

Staff at HMP Kilmarnock were respectful and courteous in their dealings with prisoners, staff and visitors to the prison without detriment to the safety and security of the establishment. Visit staff were particularly commended for creating a safe atmosphere in the visits area. Control was maintained through good relationships between staff and prisoners as well as effective CCTV and communications facilities which were used to track the movement of prisoners throughout the prison.

The entry of all goods and visitors were observed to be of a satisfactory nature albeit with some inconsistencies noted regarding searches and identification in the reception area. The procedures in place for assessing risk and implementing the correct levels of supervision were robust and well-documented with the good relationship between SPS Controllers and HMP Kilmarnock instrumental in ensuring this was all conducted in accordance with the law and the Prison Rules. Documentation was considered to be of a good standard even though some discrepancies in relation to the use of force forms were noticed. The establishment had good processes in place to ensure that regular checks and searches were conducted within the prison building itself, the grounds and perimeter areas. The use of plasticuffs as a form of restraint was concerning and should be reviewed.

The liberation process was only observed for three prisoners and whilst generally the procedure was satisfactory there could be issues of compromised privacy and confidentiality regarding the manner in which property was distributed, changing facilities were provided and protection prisoners being held together with mainstream prisoners in the same holding room.

5.1 Prison staff discharge all supervisory and security duties courteously and in doing so respect the individual circumstances of prisoners and visitors to the prison.

Rating: Satisfactory performance ●

Over the course of the inspection visit, staff were observed interacting with visitors and prisoners courteously and notices were circulated regarding the importance of displaying professional standards. For visitors to the establishment there were welcome packs available stating the prison's vision of 'delivering a safe and respectful environment' and where it is thought that conduct had fallen short of the requisite standard there were investigations carried out to challenge this.

In terms of security on entering the prison, visitors were identified through a formal process and where appropriate were registered onto a fingerprint biometric system which was also used by both staff and prisoners. The system allowed for ease of access through the establishment as well as the movement and identification of prisoners. When searching visitors entering the prison, staff were observed to be polite.

Visitors stated that staff in the visits area were positive, helpful and respectful whilst carrying out their supervisory duties and after spending time in this location, we noted that this was a general attitude of conduct towards prisoners as well. This helped to create a safe atmosphere which was commented on by visitors.

5.2 The procedures for monitoring the prison perimeter are suitable and working effectively.

Rating: Satisfactory performance ●

HMP Kilmarnock satisfactorily monitored the perimeter by carrying out six checks per day – two outside the perimeter, two within the perimeter and two checks of the internal road. These were carried out by various staff identified by the operational managers at various different times and the dog unit were also involved. The perimeter detection systems were checked during these patrols and all checks were logged in the communications room. If a detection system was activated, an alarm system sounded and a camera automatically focused on that area. Whenever this occurred, the incident was recorded in the communications room and if any faults were found, these were reported to the estates team and the duty manager.

5.3 The systems and procedures for the admission and release of prisoners are implemented effectively and courteously.

Rating: Generally acceptable performance ●

As noted in the observations under Standard 1, given that the number of prisoners remained close to that which HMP Kilmarnock was contracted to hold, there was only a limited opportunity to observe admissions and liberations. Three liberations were observed - one mainstream prisoner, one offence protection prisoner and a prisoner on crutches who had been admitted the night before.

The biometric system was used as part of the identification procedure for each prisoner and their property was discharged appropriately, along with their monies, individually and separately from the other prisoners. However, whilst this was carried out in a confidential manner, the balance of monies was communicated verbally within earshot of the other prisoners which could compromise privacy if exercised without thought given to this. We would encourage HMP Kilmarnock to ensure that privacy throughout the whole liberation process, from identification and bagging of property to changing facilities, remains a top priority. It was also noted that in relation to the prisoner on crutches there appeared to be a lack of thought on the part of reception staff regarding his safe transport on leaving the prison which did not demonstrate the expected level of care.

During the liberation process the mainstream and offence protection prisoners were held together in the same holding room which raised some concerns for inspectors. Furthermore, prisoners were liberated through the vehicle lock and not the front vestibule.

5.4 The systems and procedures for access and egress of all other people are implemented effectively and courteously.

Rating: Satisfactory performance ●

Feedback was received from prisoners, family and visitors that visiting HMP Kilmarnock had been a positive experience and that staff had booked in visitors courteously and respectfully. On observing the entrance of visitors to the establishment, the searching process was consistent and all persons were checked with a handheld metal detector and their belongings by the X-ray machine. Although the vestibule area for receiving visitors was small with minimal seating to replace their shoes, the process was conducted satisfactorily. Notices were displayed regarding the operation of CCTV and the rules concerning the introduction of banned items.

5.5 The systems and procedures for controlling the entry and departure of goods to and from the prison are working effectively.

Rating: Satisfactory performance ●

Vehicular access to HMP Kilmarnock was controlled by camera and electronic locking with each vehicle escorted by a member of staff at all times on entrance. The whole process was observed during the inspection visit including staff searches of vehicles and the log of vehicle movements which was kept in the establishment was also checked.

Mail delivery arrived at the vestibule area and guidance was available for staff when handling both parcels and mail. Although the process was not observed in its entirety by inspectors, after speaking with staff in the mail reception area and looking over the logs, it was clear that the establishment followed the guidelines set out in SPS Governors and Managers Action Notices. In addition, contingency plans were in place in the event that damaged or suspicious mail was received. There was a

target of four hours from receipt of mail to delivery to prisoners which appeared to be met on a daily basis according to the information provided.

5.6 The risks presented to the community by any prisoner are assessed and appropriate security measures are adopted.

Rating: Satisfactory performance ●

Risks were assessed on a fortnightly basis in Risk Management Team (RMT) meetings. Inspectors had the opportunity to sit in on one meeting involving two cases requiring a multidisciplinary approach. Both cases were discussed thoroughly and plans were put into action relating to risks posed. On examination, previous minutes and processes were found to be satisfactory.

When prisoners were escorted out of the prison, the establishment followed recognised protocols to ensure that risks were assessed and managed accordingly. An example of this was a Special Security Measure (SSM) which included the requirement to notify the relevant authorities of the planned escort. There was one such prisoner on SSM during the inspection visit and information on appropriate supervision in this case was available in hard copy.

5.7 The risks presented to others in the prison by any prisoner are assessed and appropriate supervision is enforced.

Rating: Satisfactory performance ●

The Prisoner Supervision System was overseen and implemented by the risk assessment team as opposed to residential officers, as would be customary in SPS establishments. A flow chart was created and basic information was taken from the prisoner records system which encouraged a consistent approach and appropriate reviews within the necessary time frames.

In terms of both non-offence and offence protection prisoners, there was a separation system in operation whereby in the house blocks they were generally kept separate save for some areas which were shared across populations. During movement a strict practice of separation was in operation across the establishment with one exception. The protection prisoners held within E Wing, the wing containing mainstream and protection prisoners, were moved to visits at the same time as the mainstream prisoners were at recreation. This situation could create the opportunity for bullying, intimidation or violent behaviour. Management should either review the location of prisoners within this wing or implement a process that mitigates against the presenting risks.

5.8 The risks presented by any prisoner to themselves are assessed and appropriate supervision is applied.

Rating: Satisfactory performance ●

As noted under the observations for Standard 3, HMP Kilmarnock managed prisoners identified as posing a risk to themselves by using a variety of different

strategies including the ACT 2 Care policy, the Keep Separate Protocol and the Managing Fear Inducing, Violent and Intimidating Behaviours policy. The National Strategy for the Prevention of Suicide and Self-Harm was also referred to. These all worked together to ensure that the appropriate supervision was applied to prisoners at risk. The new SPS policy 'Talk to Me' was due to be launched at the end of November 2016.

5.9 The systems and procedures for monitoring and supervising movements and activities of prisoners inside the prison are implemented effectively.

Rating: Satisfactory performance ●

Movements at HMP Kilmarnock were controlled not only by staff present but by the communications network and cameras in place throughout the establishment. After witnessing staff in a supervisory capacity during the large movement of prisoners to activities it was clear that control was exercised well with many staff demonstrating good interpersonal skills when directing prisoners. Number checks were conducted at the end of each route movement with numbers recorded in the regimes and communication room.

5.10 The systems and procedures to maintain the security of prisoners when they are outside the prison are implemented effectively.

Rating: Satisfactory performance ●

Inspectors noted that on the occasion that prisoners were escorted by staff to local hospitals the systems and procedures that were used deal appropriately with risks posed. Prisoner escort records were completed to a satisfactory standard prior to and on the return of escorts. The establishment only informed the police if the escort was of a high risk nature.

5.11 The prison disciplinary system is used appropriately and in accordance with the law.

Rating: Satisfactory performance ●

The prison operated adjudication processes in line with the law and Prison Rules. These were carried out by the SPS Controllers in the adjudication room located in the SRU. Each stage was clearly explained to the prisoner and the whole process was conducted professionally. In order to gain an overall picture, other examples of Orderly Room paperwork were checked and found to be satisfactory in accordance with national guidelines.

5.12 The law concerning the searching of prisoners and their property is implemented thoroughly.

Rating: Satisfactory performance ●

The searching of both prisoners and their property was considered to be of a good standard albeit with some slight variations in relation to rub down searches. Archway metal detectors were used effectively during the movement of prisoners.

5.13 The law concerning the testing of prisoners for alcohol and controlled drugs is implemented thoroughly.

Rating: Satisfactory performance ●

The testing facilities situated in the reception area were fit-for-purpose and well organised. Staff were rotated into this area periodically, mainly from the reception pool, and were able to fully explain the testing process. Records provided confirmed that testing was undertaken on a regular basis. Prevalence testing of all admissions and liberations was occurring at the time of inspection and a comprehensive list showing all those who had been tested and the few refusals was available. Evidence of suspicion testing was also noted to be kept in the records but only on request by the IMU. Staff in the testing facility had a good rapport with those undergoing tests and carried out a test in a professional manner.

5.14 Searches of buildings and grounds and other security checks are carried out thoroughly.

Rating: Satisfactory performance ●

Regular security sweeps and perimeter checks were carried out in a satisfactory manner and there was a good system of intelligence led searching elsewhere in the residential areas. The TTCG process was well developed with recommendations made on the basis of the IMUs analysis of the intelligence provided by staff and others sources

5.15 The systems and procedures for tracking the movements of prisoners and reconciling prisoner numbers are implemented accurately.

Rating: Satisfactory performance ●

The movement of prisoners was tracked and controlled by the communications room, the hub in the residential areas and the gate area. There were six roll calls during the day which included two number reconciliation processes at unlock and lock-up along with a numbers count, both of which were observed by inspectors and found to be of a satisfactory standard. Numbers in the house blocks and the SRU were submitted to the manager to be reconciled accurately with the establishment total. The running total was maintained accurately through a three-way communication following the admission or exit of a prisoner between the communication room, reception and the gate.

5.16 The integrity of locking systems is audited effectively and with appropriate frequency.

Rating: Satisfactory performance ●

All locks in the establishment were kept in a registry and a log was updated when a lock was changed. An establishment plan ensured that locks were tested regularly to reduce breakages and unnecessary maintenance. Locks found to be in need of repair were reported through a recognised system.

5.17 Powers to confine prisoners to their cell, to segregate them or limit their opportunities to associate with others are exercised appropriately, with humanity and in accordance with the law.

Rating: Satisfactory performance ●

The relationship between HMP Kilmarnock staff and the SPS Controller Team was effective in ensuring that any decision to confine a prisoner to their cell, segregate them or limit association was made in accordance with the Prison Rules and the law. During the inspection, the number of prisoners situated in the SRU varied on a daily basis and prisoners were held under various rules. Rule application paperwork was seen to be in order, meeting the required timescales for submission and approval. If there was lack of space in the SRU, those on punishment were managed in the residential areas in certain cases. Extensions over the 72 hour limit of segregation were completed appropriately and in a timely manner in conjunction with the Controller Team and SPS Headquarters. Documentation was found to be of a good standard and included clear evidence of case conferences being held.

5.18 The management of prisoners segregated from others is effected in accordance with the law and with regard for their continuing need for a stimulating programme of activities and social contact and for treatment aimed at enabling their return to normal conditions of detention as soon as can be achieved safely.

Rating: Satisfactory performance ●

Inspectors observed that prisoners in the SRU were given access to showers, telephone, the gymnasium and reading materials. On discussion with a couple of prisoners in the SRU, the treatment they were given was said to be good and there was no evidence that prisoners were kept in the SRU longer than was necessary. Whilst in the SRU a care plan was developed for each prisoner that identified areas of support upon his return into association. Case conferences were held and support mechanisms put in place, from the mental health team for example.

5.19 Powers to impose enhanced security measures on a prisoner are exercised appropriately and in accordance with the law.

Rating: Satisfactory performance ●

SSMs only applied to one prisoner during the inspection visit. Information as to the application of the SSM was available both on PR2 and in hard copy for managers. This process complied with the corresponding Prison Rule.

5.20 Force is used only when necessary and strictly in accordance with the law.

Rating: Generally acceptable performance ●

The use of force had occurred across all the different populations and areas of the establishment with no evidence of disproportionate use in any given area. All paperwork related to it was held by the Performance and Compliance Department and formed part of a larger incident report. Keeping all the paperwork together in this manner was good practice but unfortunately some of the forms included were not complete. The most common omission was the Head of Operation's comments and signature which resulted in a lack of assurance. In addition, on occasion although the incident report was referenced, the use of force form was not and there was no authorised removal signature.

5.21 Physical restraints are only used when necessary and strictly in accordance with the law.

Rating: Generally acceptable performance ●

The inspection team reviewed 33 incidents and concerns were raised in relation to the use of plasticuffs. Two incidents recorded in the log noted the use of plasticuffs during a removal and on one occasion a prisoner was cuffed while under restraint and not after de-escalation. Whilst it is conceded that this was a rare occurrence at HMP Kilmarnock, we would not have expected the use of plasticuffs in these sorts of circumstances.

After looking over the documentation relating to the use of handcuffs during prisoner escorts, these were deemed appropriate though no escorts were actually observed. It was noted that the measures put in place were appropriate in relation to the risk posed.

A duty manager was responsible for checking that staff had the correct training, knowledge and understanding in relation to the application of handcuffs and other forms of physical restraints prior to departure from the establishment. Where high profile prisoners were involved in an escort, appropriate processes were deployed relevant to the risks presented.

5.22 Prisoners' personal property and cash are recorded and, where appropriate, stored.

Rating: Satisfactory performance ●

The establishment had a robust system in place for storing prisoners' valuable property safely and securely. These items were accurately recorded then locked in the main office building. Clothing was stored in the reception area. In the case of late liberations after office hours, any valuables could be accessed by the duty manager by withdrawing a key to enable liberated prisoners to take their property with them.

STANDARD 6 - RESPECT, AUTONOMY AND PROTECTION AGAINST MISTREATMENT

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

Commentary

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

Inspection findings

Overall Rating: Satisfactory performance 

Relationships between staff and prisoners were positive and staff were commended for challenging a small number of instances of negative behaviour. The lines of communication informing prisoners of events and activities across the prison and the ATM system was a vital and very positive part of this. The Prisoner Information Advisory Committee (PIAC) meetings also played a key role in engaging prisoners in decision making, raising awareness of issues and providing a platform for dialogue with staff. The meetings were filmed and the video was available to all prisoners on request which was an excellent way of keeping the communication open across the prison. Notwithstanding these positives, there were issues surrounding the privacy and confidentiality of prisoners but these were caused more by the fabric of the establishment buildings and staff were attempting to do their best to mitigate the situation.

It was observed that prisoners had all the necessary opportunities to engage with representatives of civil society, members of national and international parliaments where appropriate, legal representatives and other agencies like the ombudsman.

As for applying for paid work, it seemed that although the interview and admission process allowed for a prisoner preference, most were placed in the first available slot, wherever that may be. It was also clear that the protection regime was restrictive in terms of access to activities, facilities and time out of their cells. HMP Kilmarnock should review the layout and population of E Wing where mainstream and protection prisoners were housed together as tensions and incidences of violence were reported due to this.

Whenever a prisoner was removed from association the processes and paperwork were appropriate and although the number of complaints was low, the process was good and complied with SPS standards. It did however appear that there was a

perception among prisoners that complaints were not handled positively and that the process was futile. This could explain the low number of complaints and if it is the case, the prison should aim to rectify it.

Quality Indicators

6.1 Relationships between staff and prisoners are respectful. The use of disrespectful language or behaviour is not tolerated.

Rating: Generally acceptable performance 

The atmosphere was calm and relationships between prisoners and staff were respectful.

Protection prisoners complained of abuse being shouted through their doors when mainstream prisoners were out of cells and alleged that staff did not challenge this. Whilst inspectors did not witness any such instances the layout of the wing in this case could allow for such circumstances to take place. Management should consider changing the layout of this wing in order to mitigate this occurring in the future.

6.2 Staff respect prisoners' needs for privacy and personal life.

Rating: Generally acceptable performance 

The layout of the house blocks meant that prisoners enjoyed a high level of privacy, however the location of the telephones did mean that private conversations could be overheard by fellow prisoners and staff alike.

The situation in other parts of the establishment was less ideal. Prisoners involved in private conversations with healthcare professionals or within the Links Centre and health centre were afforded less privacy by virtue of the layout of the areas and the fact that doors were left ajar.

6.3 Staff respect prisoners' rights to confidentiality in their dealings with them.

Rating: Satisfactory performance 

Despite the limitations in the physical layout of some of the areas of the prison, as mentioned above, it was clear that staff endeavoured to maintain prisoners confidentiality.

Inspectors noted that the system for handling mail, particularly for items that would fall within the category of legal or privileged correspondence, were robust and widely understood by the staff involved.

6.4 Staff achieve an environment within the prison that is orderly and predictable. Their use of authority in achieving this is seen by prisoners as legitimate.

Rating: Generally acceptable performance 

The environment achieved in most areas of the prison was calm and there were no serious issues of conflict. During the inspection, staff commented that they felt that at times their ability to act with discretion was limited and when investigated further, the perceived constraints of the contract were blamed for this.

Staff prisoner relationships were good, however, the authority the staff clearly possessed and witnessed at the staged evening 'lock up', was not always followed through in the day-to-day engagements. Cells had varying contents and the volumetric control was variably imposed. Management should consider whether these discrepancies indicate any underlying control issues that need to be addressed.

6.5 Staff challenge prisoners' unacceptable behaviour or attitudes whenever they become aware of it. They do this in a way that is assertive and courteous.

Rating: Satisfactory performance 

Behaviours were generally good with only a small number of instances witnessed that merited direct challenge; these appeared to be handled appropriately.

During the staged evening lock up a number of instances were witnessed where prisoners challenged staff in relation to being locked up early. Each of these instances was handled well and in all cases the prisoners were located within their cells without any escalation in tension.

6.6 Any limitations imposed on prisoners' freedoms or access to facilities are justified and the reasons for them are courteously communicated to the prisoners.

Rating: Generally acceptable performance 

The ACT 2 Care policy for managing persons at risk of self-harm or suicide was well-managed with appropriate checks evidenced.

Additionally, a weekly security meeting and IMU generated information to inform decision-making in regards to various issues including visits, work parties and the residential allocation. This ensured that only the actions deemed necessary were applied to any given individual.

One area that management should review relates to the protection regime in E Wing and whether those on protection have an unnecessarily restricted regime. This regime allowed for only two periods of one hour out-of-cell time Monday to Friday and one period of one hour at the weekend. Evidence showed this particular group

also had restrictions on education and library access with some having no access to the library.

6.7 The operation of the system of privileges promotes a climate of activity and purpose, prisoners' responsibility for their own affairs and good face to face relationships with staff.

Rating: Satisfactory performance 

As recognised by the senior management team, the Incentives and Earned Privileges (IEP) Scheme had its limits in respect of its scope and amounted to an additional £1.00 per week in wages and additional recreation time. Groups were locked up for the evening in a phased manner dependent on whether they were in the basic, standard, or enhanced element of the IEP Scheme.

It was worthy of note that this system appeared to be readily accepted by the prisoner group.

6.8 The system by which prisoners may apply and be selected for paid work reflects as fully as possible systems of job application and selection within the community.

Rating: Generally acceptable performance 

While the core screen interview and admission process allowed for a request of work activity to be made by the prisoner, the reality was that most were placed in the first available space with no matching of preference or skill mix being applied.

The application process thereafter for a work activity change was ad hoc, via word of mouth, or via the ATM system rather than work being allocated based on the individual need or skills. Management should consider adopting a process of work allocation that is based on what is the 'best fit' for the prisoner.

6.9 Prisoners are consulted about the range of recreational activities available to them.

Rating: Satisfactory performance 

The prisoner voice was captured through the widely understood PIAC system where prisoner representatives could meet with managers to discuss issues impacting on them and the regime, and to share information about upcoming events and initiatives.

The work of the health champions and good relationships with the gymnasium staff also resulted in good understanding and feedback of the user voice.

6.10 Prisoners are consulted about the range of products available through the prison canteen.

Rating: Good performance 

The canteen provision was well regarded by the population. A comprehensive list of items was available from the canteen and a system of review and replacement ensured that as new items came to the market, suitable and desired items were added to the stock list.

Prisoners were able to discuss canteen issues during PIAC meetings with a member of the stores staff as a standing member of these PIAC meetings.

Canteen lists were freely available through the ATM system. The arrangements for special purchase appeared to be robust and working well in meeting the needs of the prisoner group.

6.11 The systems for reserving places on recreational and cultural activities are equitable between prisoners and allow them to exercise personal choice.

Rating: Satisfactory performance 

Most prisoners utilised the ATM system to keep up-to-date with planned activities and additional information was available via poster boards. Uptake at these events rarely resulted in oversubscription and all attendance was subject to routine security checks to identify any keep separate or enemies.

It was clear that these events were not as freely accessible to the protection regime prisoners, however, the senior management team indicated that they were in the process of implementing proposals to address some of the regime restrictions.

6.12 The systems for regulating prisoners' access to money held in their prison account and their own property allow them to exercise personal choice within the constraints of the law.

Rating: Good performance 

As per SPS guidelines, HMP Kilmarnock allowed a maximum of £20.00 per week personal cash to be added on top of earned wages. Wages were paid according to a structured payment scale based on the allocated work activity.

Daily account updates were provided on the ATM system for all monies posted, handed, or paid-in via the electronic payment system. This electronic system allowed for family and friends to register online and transfer monies electronically into prisoner accounts. The system tracked the name, address, and card details of the sender and would only take payment from cards registered on the system. All payments were tracked to destination providing good oversight and the ability to

cross-reference and monitor for adverse activity. This system is something that should be considered for wider adoption across the Scottish prison estate.

6.13 The limits on the actions staff can take in implementing security procedures are observed.

Rating: Satisfactory performance ●

Records inspected clearly demonstrated that SSMs, Rule 95 and 41 processes were well documented and reviewed and updated as appropriate and certainly within policy requirements and guidance.

6.14 The rules in relation to medical supervision of activities and persons in circumstances of increased risk of harm or mistreatment are observed.

Rating: Satisfactory performance ●

During the inspection visit, there was one prisoner on Rule 41. All relevant paperwork and care plans reviewed were in place and staff were fully aware of the individual's status and needs. This individual was being managed within a residential wing and despite presenting a significant challenge staff were meeting all his needs ensuring his wellbeing within the limits of a prison environment.

6.15 Procedures and decisions conform to established standards of natural and administrative justice.

Rating: Satisfactory performance ●

The establishment operated a staged warning system with adverse behaviours being annotated in a narrative folder. Written warnings were issued as well as work place warnings informing the prisoner of his poor behaviours and/or work ethic and/or attendance. Staff had the ability to downgrade and upgrade prisoners through the IEP system from basic through to standard and to enhanced, or the reverse.

Appeal procedures were available to challenge decisions at each level and stage of the disciplinary action.

6.16 Prisoners' international human rights as asserted in law are respected.

Rating: Satisfactory performance ●

Prisoners had direct access to all information under European Convention on Human Rights via a link on the front page of the ATM system.

6.17 Prisoners are kept well informed about prison procedures and how to access services available to them.

Rating: Satisfactory performance ●

Prisoners had access to a range of information about prison procedures and regime via the ATM system as well as information displayed on noticeboards.

A video of all PIAC meetings was available, however, this was only played on request as it was shown over the in-cell video channel.

6.18 Prisoners are kept well informed about events taking place in the prison.

Rating: Good performance ✓

A number of prisoners spoke very enthusiastically about the Kiosk system and its usefulness in keeping not only up-to-speed with events but information in general as well as canteen, finances and family contact via the Email-a Prisoner Scheme.

6.19 The prison reliably passes critical information between prisoners and their families.

Rating: Good performance ✓

Staff explained the process they would adopt to pass on sensitive information and understood the role the chaplaincy could offer. The FCO arrangement was excellent with all visits staff trained as FCOs. This allowed good knowledge of and relationships with family members to be developed. Additionally they attended the residential wings over lunch periods which enabled prisoners to have direct access.

6.20 Prisoners' access to information necessary to safeguard themselves against mistreatment or arbitrary decisions is observed.

Rating: Satisfactory performance ●

Prisoners were given information on the complaints process open to them on induction with copies of the prison rules available to them. A handbook was given to prisoners which included flow charts of the complaints process, Rule 118 appeals, guidance on using PCF1 and PCF2 forms including stages contained therein.

6.21 The prison complaints resolution system works well.

Rating: Generally acceptable performance ●

The number of complaints was low given the number of prisoners held. Given that prisoners in all areas complained bitterly around access to healthcare, including dentist treatment, and that many did not understand the NHS complaints process, we would have expected to see more PCF1s. Prisoners reported a lack of confidence that anything positive came from complaining in any official form even though staff reported complaints around medication were never-ending.

The prison followed the standard SPS process and those complaints that were available demonstrated a compliance with this process.

A robust system of monthly complaint audit was in place allowing all managers to be sighted on emerging trends and issues allowing corrective action to be taken. This approach would be deemed as practice worthy of sharing

6.22 The NHS complaints resolution system works well in prison

Rating: Generally acceptable performance 

There was a clear process for acknowledging and responding to NHS complaints. We saw that feedback/complaints forms were freely available and any forms received were logged and responded to appropriately within the time guidelines. All complaints and feedback received from prisoners were recorded on the NHS electronic system Datix. Complaints were a standing agenda item on the NHS Prison Clinical Governance Group.

6.23 The system for allowing prisoners to book interviews with independent representatives of civil society works well.

Rating: Satisfactory performance 

The arrangements were good with a full range of contact details available via the ATM system, as well as a large volume of lawyers numbers pre-programmed onto each prisoners telephone account.

We would encourage management to ensure that contact details for Independent Prison Monitoring, the Scottish Public Services Ombudsman (SPSO) and The Samaritans are available close to the telephones to ensure that anyone wishing to access these services can do so as easily as possible.

6.24 The prison gives every assistance to agencies which exercise statutory powers of complaints, investigation or supervision.

Rating: Satisfactory performance 

All agencies were afforded access to the prison and prisoners when appropriate requests were made. Prisoners raised no issues in regards to difficulty in meeting with any agent.

6.25 Prisoners are afforded unimpeded and confidential access to legal advice, the courts and agencies which exercise statutory powers of complaints, investigation or supervision.

Rating: Satisfactory performance 

Legal visits were well-organised and ran smoothly. The facilities were a little dated, however the areas utilised were clean and met the current need.

There appeared to be little in the way of difficulty with the booking system for external agencies and no complaints were noted by visiting agents.

Good clear information was on display in the visits area including information on the role of the SPSO.

6.26 Citizens of states other than the UK are afforded confidential access to their states' representatives. Refugees and stateless persons are afforded privileged access to a consular office of their choice and to organisations or agencies that protect their interests.

Rating: Satisfactory performance ●

Evidence provided demonstrated that foreign nationals were afforded space and time to talk to their Consular representatives. Embassy contact details were again freely accessible as were Freephone numbers.

6.27 Prisoners are afforded confidential access to members of national and international parliaments who represent them.

Rating: Satisfactory performance ●

It was noted that facilities were in place to facilitate confidential access with a member of a national or international Parliament.

STANDARD 7 - PURPOSEFUL ACTIVITY

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

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

Inspection findings

Overall Rating: Generally acceptable performance 

HMP Kilmarnock endeavoured to ensure that prisoners used their time in prison constructively. An area of good practice in facilitating this was the Physical Education Department which offered a number of different sporting and physical activities alongside health initiatives focusing on issues like healthy living and smoking cessation. The Chaplaincy Team also actively participated in providing a range of religious and cultural events for prisoners throughout the week.

The visits area was clean and spacious with a friendly atmosphere and although the facilities are dated, the staff still provided a safe but relaxed environment. Visit slots were available through the week but there was a problem for untried prisoners who could not have access to any evening visits. Security measures and searches in the visits area were conducted appropriately and not to the detriment of the visit experience for those arriving. The ATM system on the wings was a very useful resource in facilitating visit time slots, communicating important information with prisoners and sending condolences. Through the same machine, prisoners could access the Email-a-Prisoner Scheme which allowed for direct communication with loved ones for a small cost. This initiative was very positive.

Prisoners were afforded all the necessary participation in their case management and all the processes for progressing prisoners to other establishments or to HDC arrangements were carried out appropriately.

In general the prison provided quite a range of educational and recreational activities for the prisoners to get involved with, though the Learning Centre was running at approximately 50% capacity due to lack of staff to monitor prisoners. It was also observed that there were potential timetable clashes which could result in the provision of one hour in the open air being compromised. These two areas have room for improvement.

Quality Indicators

7.1 The prison maximises the opportunities for prisoners to meet with their families and friends.

Rating: Satisfactory performance ●

HMP Kilmarnock was proactive in publicising visit arrangements and timings to both prisoners and visitors and information was included in their weekly induction sessions. Visit entitlement varied depending upon the regime the prisoner was allocated to and visits ran every day, including the weekend, at morning, afternoon and evening slots. There were slight restrictions in terms of evening visits since these were only available on Wednesdays and Fridays for convicted prisoners. As a consequence, untried prisoners received no opportunity to have a family visit in the evening.

The prison visit room itself was clean, bright and spacious with a play area for children. Thirty-two visit spaces were available at a time within the main hall but there were also areas available for agents and closed visits. Video link conferencing was enabled and was observed during the inspection. The canteen facility was well-stocked and open at each session. All visit staff were also FCOs and it was clear that they took pride in their role. FCOs worked in partnership with East Ayrshire Council Play Motivates to include Play Motivator visits and children visits which allowed father and child to bond through a relaxed session.

An area with room for improvement is that non-attendance at work was allowed for convicted prisoners where the reason given is a booked visit slot. There was a feeling that this was used too regularly and enabled prisoners to exempt themselves from work parties and should perhaps be reviewed.

7.2 The arrangements made for admitting family members and friends into the prison are welcoming and offer appropriate support.

Rating: Satisfactory performance ●

A visitor identification system was in place which took both a photograph and fingerprint in the external visitor's centre where visitors booked in on arrival to the prison. When observing this during inspection, it was carried out appropriately by staff who showed courtesy to all visitors and demonstrated thorough knowledge of the systems involved when asked by a visitor. Staff were seen to be polite and understanding when responding to visitors and endeavoured to go the extra mile to help. On a practical level, parking facilities were clearly signposted and there were always spaces available, including disabled spaces.

7.3 Any restrictions placed on the conditions under which prisoners may meet with their families or friends take account of the importance placed on the maintenance of good family and social relationships throughout their sentence.

Rating: Satisfactory performance ●

Prisoners who were placed on closed visit restrictions were done so in accordance with the Prison Rules and although this meant they were unable to meet with their family and friends in the main visit area, contact was maintained by way of the closed visit booths. On examination, the process for closed visits was consistent and the staff were knowledgeable of the procedures involved and the relevant comprehensive paperwork. Prisoners were able to put forward their representations during the process through the ATM system on each wing which was followed-up by a FCO if required. Closed visits were reviewed monthly at a meeting of the Security Committee, chaired by the Deputy Director with representatives from the Intelligence, Communications and Visit Management Teams. Prisoners were informed of the decision made by letter and via the ATM. Members of the public who were placed on restrictions were also considered during the same meeting and informed by letter of the decision taken.

7.4 The atmosphere in the visit room is friendly and, while effective measures are adopted to ensure the security of the prison and safety of those taking visits, supervision is unobtrusive.

Rating: Satisfactory performance ●

Visitors commented on the safe atmosphere in the visits area and inspectors observed a relaxed feel with friendly interaction between staff, prisoners and visitors. With regards to security, prisoners leaving the residential areas were subject to a rub down search in line with national policy and were required to wear a prison issue T-shirt or jumper for the duration of the visit. All visitors had to comply with security checks including a walkthrough metal portal, X-ray scan of jackets and shoes and an Ionscan Spectrometer on a random basis. Records were kept of those tested each session. Drug detection dogs were present at most sessions for screening visitors on entry as well. If someone indicated positively of a level above five on the Ion detection machine then they were automatically moved to a closed visit and everyone involved was spoken to in confidence by either the officer or manager on duty to explain the reason why action had been taken and why an indication was a cause for concern.

7.5 Opportunities are found in the prison for prisoners to interact with family members in a variety of parental and other family member roles.

Rating: Satisfactory performance ●

HMP Kilmarnock encouraged interaction with family members by following a Children and Family Strategy and by holding weekly family induction sessions followed by a 30 minute visit. Meetings for the Children and Family Strategy were chaired by the Health Improvement Manager on a bi-monthly basis and were

attended by Families Outside, Family Contact Officers, the Chaplain, Prison-Based Social Work (PBSW) and East Ayrshire Vibrant Communities. Other guests attended as required. The family induction session had not yet been very popular but in discussion with a family member in the visits areas they reported it had been worthwhile and put them at ease. Other initiatives included the Play Motivator visits, which are mentioned above, and a Homework and Breakfast Club. Unfortunately, the playground area outside the visits centre was in a state of disrepair and was not in use. Renovating this and making it available for use would enhance the visit experience, particularly for children.

7.6 Where it is not possible for families to use the normal arrangements for visits, the prison is proactive in taking alternative steps to assist prisoners in sustaining family relationships.

Rating: Good performance 

An area of good practice was that the establishment encouraged prisoners to maintain family ties by the Email-a-Prisoner Scheme managed through the ATM. Friends or family members could email a message which was received via the ATM for the prisoner to read. When discussing this with prisoners, one individual reported he was able to keep in contact with his daughter in Australia in this way at a relatively low cost. Many other prisoners spoke highly of the scheme. Aside from this, prisoners were able to regularly use the telephone – four were available on each landing – although their location can sometimes be problematic in terms of noise and lack of confidentiality. For those without family nearby, accumulated visits, inter-prison visits and cross-border transfer applications were available and information was provided in each residential area.

The FCO team provided support to prisoners within the residential areas during the lunch period which enabled them to deal with prisoner referrals on a daily basis. The communication of information through the ATM by the FCO had included sending messages of condolence and offering support which was a practice worth sharing. The inter-personal relationships between visit groups, prisoner and visitor were of a high standard.

7.7 The arrangements to facilitate a free flow of communication between prisoners and their families help the prisoners to sustain family ties.

Rating: Satisfactory performance 

In order to maintain lines of communication, prisoners were able to send and receive as much mail as they wish, use the telephones during recreation and access the Email-a-Prisoner Scheme. Prisoners received the equivalent of a second class stamp in their wages free of charge and could buy stamps as required from the canteen. Telephone credit could also be purchased on a weekly basis and managers had discretion to authorise extra top-ups if required.

7.8 Prisoners and where appropriate their families, participate in their case management. Prisoners are consulted about case management decisions reached.

Rating: Generally acceptable performance 🟡

Every prisoner participating in the ICM process was afforded the opportunity of family involvement however the instances of attendance are low. The link between residential areas and the ICM did not appear to be cohesive with many residential staff lacking knowledge of the ICM process. In terms of facilitating the consultation of prisoners during this process, the Personal Officer would be well placed to play that role. Notwithstanding this, the dedicated ICM team were robust, knowledgeable and ensured that prisoners were consulted. This was attested to during discussions with prisoners currently in the ICM process.

7.9 Prisoners are encouraged to maintain and develop a range of social relationships that will help in their successful return to their communities on release.

Rating: Generally acceptable performance 🟡

The case management approach adopted in HMP Kilmarnock did not match that found in other Scottish establishments, namely the deployment of a dedicated team of ICM staff who worked with prisoners closely and worked in partnership with the PBSW team rather than individual prisoners being allocated a Personal Officer. On virtually every occasion when asked prisoners could not inform inspectors as to who their Personal Officer was. The lack of a Personal Officer involvement is a cause for concern which was noted throughout the inspection.

The Links Centre had a wide range of organisations working together with the prison in partnership including SACRO, Catalyst (Life Skills), Momentum, Addiction Action, Department for Work and Pensions (DWP) and Turning Point Scotland. It was commendable that Turning Point Scotland's key workers actively engaged with prisoners within a residential setting and other areas within the establishment as staff were trained as key holders.

Aspire2gether was a positive initiative where key workers engaged prisoners in paying back rent arrears from their weekly prison wage. This aided a prisoner's return to the community as the local council was receiving arrears and the prisoner was demonstrating responsibility which could aid resettlement when looking for a tenancy.

7.10 The prison operates an individualised approach to effective prisoner case management.

Rating: Generally acceptable performance 🟡

HMP Kilmarnock endeavoured to deliver the required processes to ensure that the approach taken to case management was individualised for the prisoner involved

including ICM case conferences. However, as mentioned above, the lack of focus on formal allocation of Personal Officers was a concern.

There was also a concerning backlog of prisoners on the Generic Programme Assessment waiting list at the time of inspection but the Head of Risk Management and Interventions had put an action plan in place to address this issue over the coming months. The relationship between PBSW and case management seemed to be strong with a high attendance rate of PBSW at ICM case conferences

7.11 The systems and procedures operated by the prison to identify or select prisoners for release or periods of leave outside the prison are implemented fairly and effectively.

Rating: Satisfactory performance 

HMP Kilmarnock did not provide for unescorted periods of leave but did release prisoners into the community through the HDC process. This was well-managed by the HDC Co-ordinator and evidence supplied showed that the statutory timescales were being met with the SPS Controller Team taking the final decision on early release after all the checks have been completed. Escorted day absences were permitted on request to the Deputy Director and evidence provided also showed that the required checks were all completed in line with SPS standards.

7.12 Sentence management procedures are implemented as prescribed and take account of critical dates for progression, release on parole or licence.

Rating: Generally acceptable performance 

The establishment was adhering to national policy in relation to prioritising criteria and critical dates for progression and release on parole licence. However, there appeared to be a lack of understanding on the part of some prisoners and staff with regard to eligibility for consideration for progression. Although the Senior Management understood the rule, it would be helpful for this information to be re-circulated again, especially to the residential PCOs. Lastly, whilst the evidence provided showed that timescales from RMT progression cases to Open Estate or National Top End were generally of an acceptable standard, there were only three prisoners on the waiting list to transfer.

7.13 The risk management measures that have to be observed in respect of prisoners serving Orders for Lifelong Restriction and those subject to Multi-Agency Public Protection Arrangements are implemented.

Rating: Satisfactory performance 

Risk Management measures for OLR and MAPPA were observed. OLR case-managers (Trainee Forensic Psychologist) carried out very specific tasks including the completion of Risk Management Plans and Annual Implementation Reports. ICM case-workers and PBSW worked collaboratively to ensure core MAPPA tasks were completed. These were shown to be completed within the required timescales and the process was overseen by the Head of Risk Management and Interventions.

It was clear that where specialist and one-to-one interventions were required, these took place and every prisoner had an individual plan tailored to suit their needs. With those subject to MAPPA conditions, the prison had a thorough case management process in place both administratively and from the MAPPA Manager. The relationship between prison staff and the relevant community-based personnel was of a high standard, as was the relationship with PBSW and prison staff.

7.14 There is an appropriate and sufficient range of employment and training opportunities available to prisoners.

Rating: Satisfactory performance ●

The prison offered a well-considered range of purposeful activities to match the ability, preference and age of most, but not all, prisoners. Work opportunities were available in a variety of areas including wood assembly, waste management, grounds maintenance and textiles. Some prisoners were employed as passmen in the residential halls or worked in the prison kitchens. Vocational training was also available in a range of areas including bricklaying, horticulture, painting and decorating and industrial sewing.

For those prisoners engaged in some of the above activities, vocational qualifications were available to acquire and the prison offered National Progression Awards in Construction and Painting at Scottish Credit and Qualification Framework (SCQF) Level 5. This was however, the most advanced qualification on offer and most were in individual modules rather than the full award. In order to address this, the prison had partnered with Ayrshire College to extend the range available by providing trainers, assessors and verifiers for vocational awards. In connection with this, certification of key vocational skills that could support employment following release had been problematic for prisoners to acquire and should be addressed where possible.

Many prisoners gained useful employability certificates in industrial cleaning, health and safety, core skills, first-aid at work (including cardiopulmonary resuscitation), manual handling, fire safety and Control of Substances Hazardous to Health. Smaller groups of prisoners trained for Construction Skills Certification Scheme cards and were successful in gaining forklift certificates in preparation for their release.

7.15 There is an appropriate and sufficient range of educational, including physical and health educational, activities available to the prisoners.

Rating: Satisfactory performance ●

A good range of learning activities were available at SCQF Levels 2-7 including literacy, numeracy, ICT and core skills which were well-attended by many prisoners. Other subjects were on offer on a more limited basis such as creative writing, art and music. A few other prisoners had studied flexible learning units with the Open University and achieved advanced certificates through distance learning. The range of programmes on offer was therefore sufficiently wide enough to provide most prisoners with the option to progress beyond introductory and core skills levels.

Almost all Learning Centre activities were certificated and over the past year, approximately 900 awards from the Scottish Qualifications Authority (SQA) and other bodies had been achieved by prisoners.

On a positive note, one member of the Learning Centre staff was available on an outreach basis to support theory aspects of the vocational training and engage prisoners in basic literacy and numeracy within residential halls, particularly protection prisoners. There was also a deliberate emphasis placed on reaching those prisoners who had learning difficulties.

It was observed however that with regard to prisoners who may need additional learning support, the Learning Centre did not have a systematic process to identify those at need. Relying on prisoners to disclose additional support needs may not be the most robust way of ensuring all those who need the extra help do receive it and this should be reviewed.

7.16 There is an appropriate and sufficient range of therapeutic, treatment and cognitive development opportunities available to prisoners.

Rating: Satisfactory performance ●

Across the prison it was observed that a wide range of therapeutic treatment and cognitive development opportunities were available including both group and one-to-one work facilitated by four dedicated PCOs and four trainee psychologists. The offending behaviour programmes like Substance Related Offending Behaviour Programme, Controlling Anger and Regulating Emotions and Constructs were supplemented by other services offered like Alcohol Awareness, Turning Point Scotland, Health Fitness and Healthy Eating advice, Smoking Cessation, Substance Misuse Advice, Substance-Related Offending Behaviour Programme, Controlling Anger and Regulating Emotions driven by NHS and supported by custody staff.

7.17 There is an appropriate and sufficient range of social and relational skills training activities available to prisoners.

Rating: Satisfactory performance ●

During some chaplaincy groups and one-to-one sessions run by the Chaplaincy Team, relationships of trust had been built-up which had allowed the prisoners a safe space to talk about past experiences in their personal lives. These positive interactions should be supported where possible with further engagement between the prisoner and other services which could provide assistance relevant to the events experienced.

7.18 All purposeful activities provided are of good quality and encourage the engagement of prisoners. Prisoners are consulted in planning the activities offered.

Rating: Satisfactory performance ●

The quality of purposeful activities at HMP Kilmarnock was good and engaged those prisoners who participated. The Learning Centre provided a welcoming environment for prisoners, which encouraged them to engage meaningfully in their learning activities. Prisoners were able to access a range of learning resources appropriate to their studies including computers, art materials and musical instruments. Relationships between prisoners and centre staff were positive and mutually respectful and prisoners felt that centre staff supported them well. Although classes usually contained groups of mixed ability prisoners, teaching staff provided good pace and challenge for all prisoners during learning activities.

In the workshops, machinery and equipment were of a good standard and prisoners working on tasks achieved good levels of competence. In almost all work parties, there was sufficient work to keep all of the prisoners purposefully engaged. However, one issue observed was that most workshops were bare and poorly lit which did not provide a good environment for long sessions of activity.

As for prisoner consultation, it was noticed that there were no opportunities for prisoners to influence or shape aspects of their own learning or contribute to the planning of activities offered. There were also insufficient opportunities for prisoners to feedback on the quality and planning of scheduled activities.

7.19 The scheduling of activities and individual prisoner's access to them is organised so that each prisoner takes part in the activities agreed for them.

Rating: Generally acceptable performance 🟡

All prisoners were given the opportunity to attend work parties, education and the gymnasium however there was no access to these at the weekends. Full-time education was not an option for prisoners so the study hours available were limited for some. Each scheduled session was a half-day unless prisoners elected to attend the gymnasium mid-morning or mid-afternoon, however, there was no way for prisoners to attend learning activities during those slots which did restrict the schedule. Nonetheless, on the whole the scheduling of purposeful activities matched well with prisoner attendance at work parties and in education classes. Workshops were preferred by prisoners since they offered a higher level of pay. Unfortunately only a small number of remand prisoners attended purposeful activities.

For those prisoners unable or unwilling to attend classes in the Learning Centre, an outreach tutor provided educational services in the residential halls. This arrangement was effective in engaging prisoners in the early stages of education and encouraging them to participate in scheduled classes. As a consequence however, the scheduled learning opportunities for mainstream prisoners in the Learning Centre were reduced in volume. In terms of capacity, inspectors observed that the Learning Centre was operating at around 50% potential capacity on average due to the lack of security staff available to monitor prisoners.

7.20 All prisoners have the opportunity to take exercise for at least an hour in the open air every day. Provision is made for this to be realistically available in all seasons and conditions of the weather.

Rating: Generally acceptable performance 🟡

Inspectors were concerned that the statutory provision of at least one hour in the open air every day was not being met. For example, if lunch time exercise was offered between 12:30 and 13:30 but lunch was only served at 12:30, and the route moves at 13:30, the full hour would not be available. After consultation, management did recognise that this was a congested time of day where regime clashes could occur. We would expect management to ensure that this did not have a disproportionate impact upon protection prisoners who were only afforded two hours out of their cells a day during the week - one in the morning and one in the afternoon - and only one hour at weekends. Further to this, and to ensure that this is available in all seasons, appropriate clothing for poor weather should be supplied to all prisoners.

7.21 Prisoners are assisted in their religious observances.

Rating: Satisfactory performance 🟢

Every prisoner had the opportunity to attend religious services and evidence provided by the Chaplaincy Team showed that attendance was good. The Chaplaincy Team was composed of representatives from a number of different faiths including the Christian, Muslim and Buddhist faith. Services and different initiatives were provided every day and on observing one service it was clear that all participating were enthusiastic, including the guests from the church group hosting the event.

Events out with the normal religious services included Tough Talk2, Remembrance Services, Sycamore, Pastoral Care and Bereavement, Spirituality Courses and Restorative Justice. Chaplains received many requests to attend the residential areas for one-to-one talks and were happy to assist in this area. They were a valuable resource for facilitating relationships with prisoners but some concerns were raised by the team regarding confidential issues divulged of, for example, incidences of abuse which may have been suffered by a prisoner for which there does not seem to be any follow-up procedure or counselling offered.

Chaplains raised concerns that some prisoners participating in the religious services may not be fully engaged in a positive manner and we would encourage the prison to support the Chaplaincy Team wherever possible in order to maximise the benefit for those prisoners who are keen to engage properly.

7.22 Prisoners are afforded access to a library which is well-stocked with materials that take account of the cultural and religious backgrounds of the prisoner population.

Rating: Generally acceptable performance 

The library at HMP Kilmarnock was used regularly by the majority of prisoners to borrow books, legal texts and DVDs but it had recently been relocated to a far smaller environment which limited the range of materials available. This was particularly clear in relation to those prisoners with additional support needs; the selection of large print books and audiobooks, for example, was very small. Access to the library was by way of weekly scheduled visits but these were restricted to set times of the week and it was not readily accessible. Since the location was significantly smaller than previously, there was no scope for communal activities like book clubs or debating societies. A qualified librarian managed the library and was supported by two library passmen.

7.23 Prisoners are afforded access to participate in sporting or fitness activities relevant to a wide range of interests, needs and abilities.

Rating: Good performance 

The Physical Education Department at HMP Kilmarnock provided an excellent service with a well-equipped gymnasium and a range of other physical activities. The Department had a very high profile across the prison and its real strength was the promotion of a healthy lifestyle through physical activity. Staff had been successful in supporting a number of prisoners to improve their fitness levels, participate in new sporting activities and increase their knowledge of how to follow a healthy lifestyle, supported by the Health Champions initiative. A wide cross-section of prisoners, including those over 40 years of age and those with physical and mental health needs, participated in a variety of activities. Furthermore, a number of the sports on offer like touch rugby, short tennis, badminton and circuit training included SQA accreditation and other awards. The excellent range on offer had been facilitated through partnerships built with a number of community providers like Vibrant Communities and Glasgow University Medical Research Unit. These had also helped the prison set up some self-help initiatives such as Fit-for-Life, Quit and Get Fit and a Dad's Parenting Group.

7.24 Prisoners are afforded access to participate in recreational, self-help or peer-support activities relevant to a wide range of interests and abilities.

Rating: Satisfactory performance 

The range of activities available was communicated to the prisoners via the ATMs in each wing and these were continually updated with any new opportunities. Some peer tutors were available within the Learning Centre and on the wings to provide support and most work parties had a peer tutor in place to support fellow prisoners in tasks and learning new skills. Health Champions provided support to fellow prisoners to facilitate and encourage engagement with sport and physical activity.

Recreational activities on offer at the Physical Education Department included indoor football, carpet bowls and volleyball. Self-help initiatives were also available including a sports therapy service and Life Skills programme.

7.25 Prisoners have access to a variety of cultural activities and events and are encouraged to participate in them.

Rating: Generally acceptable performance 🟡

Cultural events which were planned were advertised to the prisoners via the ATMs on the wings. The Chaplaincy Team provided a wide range of multi-faith events and celebrations and was well attended on a regular basis. Through the art classes in the Learning Centre, a number of prisoners were able to enter their artwork for the annual national Koestler Awards - 17 of 30 entries successfully won awards. Other examples of prisoners' artwork were recently included in an exhibition at Robertson Trust House. Various other community and charitable groups offer the opportunity for prisoner engagement like the children's mental health charity Beautiful Inside and Out.

STANDARD 8 - TRANSITIONS FROM CUSTODY TO LIFE IN THE COMMUNITY

Prisoners are prepared for their successful return to the community.

Commentary

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

Inspection findings

Overall Rating: Generally acceptable performance 🟡

Through the Links Centre there were a number of different organisations available to provide support for prisoners returning to their community. Interviews helped to identify the level of support required and supervision and resettlement plans were made for prisoners to aid them as they followed through the process. Offender Outcomes staff were working efficiently to improve the quality and delivery of Links Centre services, programmes and the ICM process and a recent restructuring of this role will only help to enhance this further. More support should be considered for the ICM chairs to ensure that information had been properly gathered from all relevant sources.

The work of Aspire2gether was commendable and a real asset to the establishment in enabling prisoners in maintaining existing tenancies and paying off rent arrears. Other organisations provided support regarding not only access to services but also accompaniment to appointments where necessary.

Arrangements for release were managed well and appointments for supervision were made for all prisoners. Communication with responsible local authorities was maintained effectively for these prisoners.

Quality Indicators

8.1 The prison encourages government agencies, private and Third Sector Organisations who offer services relevant to the community integration needs of each prisoner to jointly agree an appropriate plan.

Rating: Generally acceptable performance 🟡

A wide range of organisations were engaged at the Links Centre to provide support to prisoners and it was clear that some of their work was actively promoted throughout the sentence. At the Links Centre, short-term prisoners and prisoners preparing for release had access to organisations such as SACRO, New Routes, Catalyst and Centrestage, DWP and Aspire2gether. The new Turning Point Scotland contract was beginning to improve the organisation of access to

community-based services which provided better clarity on the roles and services provided by each agency.

Short-term prisoners were interviewed in the halls by Links Centre officers usually within 72 hours of being in custody and there was a voluntary induction process through which prisoners were provided with information on the services available that could support them on liberation. Inspectors noted that there was no directory of services either in paper form or on the ATM. Such a document would raise the profile of the services available but would also increase staff knowledge of the agencies.

The role of the Personal Officer and TSO was not developed which led to inconsistent support and planning for prisoners.

In order to improve the delivery of services and support staff, the role of offender outcomes staff had been strengthened and restructured. A quality assurance process was overseen by the psychology services manager. Although the work was at an early stage so it was not possible to assess its impact, it was considered to be a positive development since the functions and responsibilities of the offender outcome officers were not clearly understood across the prison.

Although access for prisoners to the Links Centre was satisfactory, the open plan space could compromise confidentiality for prisoners. Private interview facilities were limited to one room which was used by a number of internal and external agencies.

8.2 Where there is a statutory duty on any agency to supervise a prisoner after release, all reasonable steps are taken to ensure this happens.

Rating: Satisfactory performance ●

The PBSW team were efficiently fulfilling their responsibilities to plan for prisoners released on statutory supervision. Clear arrangements also supported prisoners who wished to be supervised on a voluntary basis. Communication with responsible local authorities was maintained and, where appropriate, included communication with children and families, other relevant agencies and social work staff. In addition, notifications were sent appropriately at release including to the Police Scotland Offender Management Unit in relation to prisoners who were convicted sex offenders.

Social work staff completed all relevant risk assessments and shared information with prison and community-based colleagues at ICM meetings on the necessary level of support and monitoring for prisoners post-release. Information sharing between NHS and prison staff was not always effective to inform the support needs for the prisoner on release.

8.3 Where prisoners have been engaged in development or treatment programmes during their sentence, the prison takes appropriate action to enable them to continue or reinforce the programme on their return to the community.

Rating: Generally acceptable performance ●

The main programmes offered in the prison were Constructs and the SROBP and the establishment was meeting agreed targets for their delivery. Programmes were led by the Head of Risk Management and Interventions who selected and prioritised prisoner access to groups based on critical dates. Prisoners were then referred appropriately by PBSWs to community programmes when these were required on release and information on progress with programmes was reported on by psychology services where applicable.

Similarly, as the prison were not able to deliver a sex offender programme, additional attention should be given to ensuring that prisoners who are assessed as requiring this have the opportunity to undertake the programme prior to release wherever possible.

8.4 As prisoners near release all reasonable steps are taken to ensure appointments and interviews are in place with relevant agencies.

Rating: Satisfactory performance ●

Robust arrangements were in place to promote and support attendance at key appointments prior to release including meetings with housing and the DWP as well as a range of Third Sector Organisations providing individualised post-release support. Prisoner attendance at these meetings was high. PBSWs also ensured that appointments for supervision were in place for all statutory prisoners.

Some other agencies that provided support to prisoners following their release could be better utilised if they were able to make contact with prisoners at an earlier stage. For example, East Ayrshire Council's Essential Skills Support Service was engaging effectively with a number of men on release to improve literacy and numeracy skills but would benefit from earlier access to potentially increase prisoner take-up of the post-release service and be better-equipped on release.

The recently implemented contract with Turning Point Scotland aimed to provide a joined-up approach to non-statutory throughcare. This project, funded by the East Ayrshire Community Planning Partnership (CPP) (on behalf of the three Ayrshire CPPs), was at a very early stage and had completed 10 prisoner assessments, focussing on male prisoners over the age of 30 who were due for release in January 2017. In the future, they expected to work with around 145 men in a full year of operation.

8.5 As prisoners near release all reasonable steps are taken to ensure that accommodation will be available.

Rating: Generally acceptable performance 

Prisoners were getting a high level of access to the Aspire2gether housing support service based within the Links Centre, with on average 100 prisoner appointments made each month, for advice and assistance with housing issues post-release. The Links Centre Officer ensured that prisoners' housing circumstances and needs were identified at an early stage through the Core Screening process. This early contact was useful in engaging with prisoners and obtaining their consent to liaise on their behalf with housing providers in order to notify of imprisonment and maintain tenancies wherever possible. The Housing Support Officer also liaised with a wide range of housing providers on the prisoners' behalf in relation to managing rent arrears. These interventions were beneficial to the prisoners who chose to engage with the process and could improve their housing options on release. The Links Centre Officer also met with prisoners in the weeks prior to release in order to identify any potential changes to the prisoners' plans and to arrange appointments as necessary.

Prisoners of no fixed abode were linked to the appropriate housing provider for the area where they wished to live on release. The Link Officer ensured that all prisoners who had engaged with the service had an appointment in place with a housing provider on release. Through the engagement of Third Sector Organisations within the Links Centre, the prison provided support to prisoners to be accompanied by agency staff to housing appointments if they wished.

This was an efficient service, however, it was recognised that the provision of accommodation was out with the prison's direct control and therefore dependent on the availability and service provided by each local authority. So, the provision of an address to prisoners for release was not always viable or possible. The prison should continue to engage with community justice and community planning colleagues to increase prisoners' housing options in order to reduce the risks of reoffending.

8.6 As prisoners near release all reasonable steps are taken to help them find work or enrol for training or education.

Rating: Generally acceptable performance 

Long-term prisoners were effectively supported in their planning for release by PBSWs and community-based criminal justice teams. The process was formalised through ICM procedures which gathered and reviewed a prisoner's needs for successful transition including training, education and employability options. Short-term prisoners were assisted in preparing for release by prison staff and a wide range of organisations which operated through the Links Centre and the Learning Centre. It is anticipated that once the service provided by Turning Point Scotland became more established, it will enhance the service provided to short-term prisoners and target the connections made between prisoners on release and the right organisations more effectively.

Education staff worked with prisoners to provide academic and vocational learning and training opportunities. A range of useful vocational skills and qualifications were also available through the six work units within prison industries in order to support employability prospects. The Education Manager and staff had formed effective working relationships with colleagues out with the prison in order that prisoners could continue their learning when released. It was clear that a number of prisoners had achieved qualifications within the prison and several had gone on to attend college for further and higher education. Some prisoners had even been supported in taking their driving theory test.

The education service worked collaboratively with Centrestage and the Catalyst Projects to support preparation for release and assist with practical arrangements. Catalyst primarily engaged with non-statutory prisoners up to 12 weeks prior to their release to identify their needs and provide support with arranging appointments and accompanying prisoners where required.

8.7 As prisoners near release all reasonable steps are taken to help them manage their financial affairs.

Rating: Satisfactory performance ●

All prisoners were able to manage their own personal finances on the ATM system on each wing. In terms of the provision of support to manage financial matters in preparation for release, the prison had made arrangements for a prisoner work coach from the DWP to be based within the Links Centre, three days per week, to provide advice and assistance. Prisoners had a high level of access to the DWP advice service and on average 100 prisoners were seen each month usually starting six weeks prior to release. Approximately 85% of prisoners met with the prisoner work coach to discuss financial matters and received helpful advice on potential benefits and employability. They were effectively supported to make applications in advance for relevant benefits in preparation for release and were also signposted to potential work opportunities. The Aspire2gether service helped prisoners maintain tenancies and manage rent arrears which had a real effect in improving financial circumstances and housing opportunities on release.

Links Centre agencies and prison managers had recognised that there were on-going difficulties for prisoners in opening a bank account on release due to a lack of identification. The prison had recently introduced a helpful process to support prisoners to apply for a Citizenship Card to bridge this gap which several prisoners had taken up and had received ID cards. The prison should consider ways to expand this and include all prisoners who would benefit.

There were considerable changes to the benefit system expected in the near future with the introduction of Universal Credit. It will therefore be essential for the prison to work closely with DWP colleagues to plan for this as comprehensively as possible and ensure that prisoners are informed of the significance of changes at an appropriate stage in their plan. Consideration should also be given to the possible necessity for additional contact with prisoners at an earlier stage than is currently in

place to reflect a change in emphasis from DWP that prisoners should be more prepared for work on release.

Lastly, it was unfortunate that there was no specific programme which provided prisoners with training or education on the management of their finances. The Learning Centre had input on financial management within employability and other classes however consideration should be given to a more specific and targeted life skills course for those who may benefit from it.

8.8 The prison reliably discharges its statutory duties to assist the resettlement of prisoners on release.

Rating: Generally acceptable performance 🟡

Planning for release and assistance with resettlement was primarily managed through the ICM process where PBSW played a key role. The team maintained contact with statutory prisoners during their sentence and undertook a range of assessments to inform ICM meetings of risks and needs. PBSW also maintained effective working relationships with community-based social work teams in order to facilitate the transition process, contribute to case management plans and make arrangements for meetings and appointments following release.

The prison-based psychology service also helped to prepare prisoners for release through the delivery of programmes aimed to address the underlying thinking and behaviours which may have led to the prisoner being in custody. This service undertook specialist risk assessments in order to contribute to the ICM and risk management processes.

Although the reconfiguration of the Offender Outcomes role would likely improve the relationship between ICMs, the Links Centre and other organisations, additional training and supervision for the ICM chairs would further enhance the role and ensure quality and consistency of process. Furthermore, while the ICM minutes were of a good standard, post-release action plans did not fully reflect the range of issues which may have to be addressed both during the remainder of the sentence and post-release.

8.9 Where the prison offers any services to prisoners after their release, those services are well planned and effectively supervised.

Rating: Generally acceptable performance 🟡

For those prisoners being liberated, well-planned arrangements were in place for supervision and case management processes starting on release led by community-based criminal justice social work services. The PBSW team made good arrangements with community colleagues across Scotland for prisoner supervision and contributed effectively to case management plans.

In relation to short-term prisoners, services were not offered to prisoners directly by prison staff post-release, however some agencies at the Links Centre did continue to work with them after liberation. The majority of services were made available to men

who were released to an address within Ayrshire but prisoners who intended to return to other local authority areas could be signposted to services though the arrangements may not be as robust. Developing links with other Links Centre Officers and TSOs from HMP Barlinnie and HMP Dumfries was helping to identify support in other areas.

In order to co-ordinate the provision of services by third sector agencies the prison's arrangement with Turning Point Scotland was helping to ensure a more individualised approach to non-statutory throughcare. Where individuals were not engaged with other throughcare services, Turning Point Scotland also planned to engage with prisoners post-release in order to provide support with resettlement. This was a positive development and it was anticipated that this would help prisoners to access the right services at the right time. In light of the new implementation, the prison should ensure that the level of access to services and the quality of post-release contact was monitored and reported on.

STANDARD 9 - EQUALITY, DIGNITY AND RESPECT

The prison employs fair processes whilst ensuring it meets the distinct needs of all prisoner groups irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Commentary

The prison ensures that all prisoners experience equality of opportunity and outcomes whilst ensuring that the law that applies to any specific group of prisoners is implemented in ways that recognise and respect particular needs.

Inspection findings

Overall Rating: Generally acceptable performance 

There was a strong commitment amongst staff at all levels at HMP Kilmarnock to ensure the rights of prisoners were respected, protected and fulfilled and prison staff were highly engaged in promoting equality, dignity and respect. This was encouraging to note but if looking to improve this further, the overall strategic approach to Equality and Diversity could be prioritised more deliberately and better communicated to staff.

The low numbers of prisoners with protected characteristics meant that the establishment may not have been fully tested regarding the management of potentially discriminatory incidents but staff relationships with prisoners and the commitment to challenging negative behaviour were positive. Notwithstanding this, the prison should be proactive in providing the most up-to-date training on issues such as sexual orientation and gender identity so that staff are fully aware of how to deal sensitively with prisoners wishing to be supported in these areas.

With respect to older prisoners suffering from mobility issues and those with disabilities, there was a real problem with the physical estate in terms of accessible cells and access to hall facilities like the gymnasium and outside space. Although the staff were clear that any reasonable adjustments would be made for prisoners who did have mobility issues or disabilities, the building facilities are limiting and this should be reviewed.

A problem faced by foreign national prisoners across the prison estate generally was raised at HMP Kilmarnock during the inspection visit in relation to the monthly free credit allowance for international calls. Outside of the 10 minutes free credit, international calls were prohibitively expensive and since often in these cases regular visits are impracticable we would encourage the introduction of a more individualised approach, with research made into more cost-effective forms of communications at the least, to ensure that this category of prisoner does not lose out disproportionately in this regard.

9.1 The prison's Equality and Diversity Strategy meets the legal requirements of all groups of prisoners including those with protected characteristics.

Rating: Generally acceptable performance 🟡

HMP Kilmarnock had an Equality and Diversity (E&D) Strategy supported by training, and a monitoring and reporting framework. An E&D Forum had also been established, but unfortunately it had no prisoner representation and very low attendance. This could be caused by the lack of awareness amongst prisoners generally of the existence of the E&D Strategy and Forum. It was noted that information was available on the ATM so attention could be drawn more deliberately to that resource to help the flow of information.

A large part of the E&D training provided to prison officers was focused on gang violence and neo-Nazi/extremist iconography which may be applicable to other Serco establishments but since instances of these issues are relatively rare in Scotland, this approach should be reviewed in line with incidents of discrimination more regularly encountered here.

9.2 Staff understand and play an active role in implementing the prison's Equality and Diversity Strategy.

Rating: Generally acceptable performance 🟡

In terms of the E&D Strategy itself there was basic training available to staff and it was encouraging to note a strong commitment amongst key staff on the importance of human rights and the existence of the dedicated human rights information section on the ATM. Providing information by way of the ATM was a very positive approach to maintaining awareness of human rights within the prison population and other establishments would certainly benefit from adopting a similar structure.

When looking to further improve this, training should be provided to ensure all staff members understand the strategic approach of E&D in HMP Kilmarnock over and above the clear sense of responsibility to human rights already shown.

9.3 Prisoners of all ages are treated with dignity, respect and according to their individual needs.

Rating: Generally acceptable performance 🟡

At the time of inspection, HMP Kilmarnock held a wide age range of prisoners, including a small number of older prisoners but whilst the issue of an ageing prison population was recognised, it was not yet having a major impact on the prison. As such, due to the nature of the prison buildings, there were very few accessible cells available.

With relation to purposeful activity, attempts had been made to ensure age appropriate recreation for older prisoners. The prison staff engaged in recreation and work parties were highly motivated in making sure that prisoners were active

and with a view to encouraging older prisoners to exercise in a deliberate way, a scheme had been introduced. Unfortunately, this was eventually abandoned following complaints from younger prisoners who felt excluded. In order to tackle those complaints, a new scheme had been created based on fitness levels and ability which is hoped will engage the same age group of prisoners.

9.4 Prisoners with disabilities are treated with dignity, respect and according to their individual needs.

Rating: Generally acceptable performance 

HMP Kilmarnock held only 18 prisoners who identified as having a disability at the time of inspection. As part of the reception process prisoners were asked to identify whether they consider themselves to be disabled. However, there were only two modified cells in the prison which were suitable for disabled prisoners which could significantly limit the room available depending on the disability presented. Furthermore, facilities like the hall-based gymnasium were on the upper floor which created a real obstacle for prisoners with mobility issues in terms of access. The use of the outside recreation space connected to the halls may also be difficult for such prisoners due to its small size.

Management and staff were of the view that they would make all reasonable adjustments for any prisoner with a disability but the limitations of the physical estate hampered their efforts in doing so. Since presently there were such low numbers of disabled prisoners, this was not of pressing urgency but looking forward and with the potential difficulties of an ageing prison population in mind, these concerns should be reviewed.

9.5 Prisoners who have undergone or are in the process of transforming from one gender to another are treated with dignity, respect and according to their individual needs.

Rating: Satisfactory performance 

No prisoners in this category were identified but there was awareness by management and key staff of the SPS policy.

9.6 Prisoners who are married or who have entered into civil partnership unions are treated with dignity, respect and according to their individual needs.

Rating: Satisfactory performance 

Prisoners reported no issues in relation to marital status.

9.7 Women prisoners are treated with dignity, and their individual needs are met including those associated with pregnancy and maternity.

Rating: Not applicable ○

There were no women prisoners in HMP Kilmarnock.

9.8 Prisoners of all racial groups and nationalities are treated with dignity, respect and according to their individual needs.

Rating: Satisfactory performance ●

The vast majority of prisoners were White British with less than 10 of the approximate 500 prisoners from other ethnic groups or nationalities. There were no issues of tensions around race or nationality. Throughout the prison there was awareness of access to interpretation services and core prison documents were available on the ATM facility in a number of different languages. However, the limited range of foreign language books in the library, apart from on request, could be improved.

There had been only six complaints over the last two years which included a racial element and all of them were properly addressed. Prisoners spoken to said that there were very few instances of inappropriate or offensive language or behaviour from other prisoners or staff. Prison staff said that they felt well-trained and demonstrated a willingness to challenge the use of racially offensive language by prisoners.

9.9 Prisoners of all religious groups are treated with dignity, respect and according to their individual needs.

Rating: Satisfactory performance ●

HMP Kilmarnock held a number of prisoners who actively practiced a variety of religions and beliefs. The prisoners spoken to at the multi-faith centre and in the halls were all satisfied with their ability to exercise their beliefs and religion in both public and private spaces.

It was encouraging to note that issues of sectarianism were much less prominent in HMP Kilmarnock than they are in the wider community. When this issue was raised with prisoners and staff, they could not point to any particular initiatives, but rather considered that the regime was such that there was no tolerance for sectarian behaviour.

There was excellent co-operation between the members of the Chaplaincy Team, both in terms of sharing the space of the multi-faith centre, and also organising joint events to celebrate all faiths. Prisoners spoke highly of the support offered by the chaplaincy staff. The provision of services and one-to-one support for religious practice was in place for all faiths, with less common religious groups catered for as and when necessary. A number of progressive initiatives had also been undertaken

around faith- based observances, including an Eid celebration and provisions in place for Ramadan.

Food appropriate to the dietary requirements of all faiths represented in the prison was provided. Appropriate food was clearly marked on the ATM menu and prisoners were able to make choices accordingly.

9.10 Prisoners of all genders are treated with dignity, respect and according to their individual needs.

Rating: Not applicable ○

All of the prisoners at HMP Kilmarnock identified as male.

9.11 Prisoners of any sexual orientation are treated with dignity, respect and according to their individual needs.

Rating: Generally acceptable performance ●

Lesbian, Gay, Bisexual, and Transgender (LGBT) issues were covered in the strategy, staff training and would be included in the new prisoner induction. However, the staff training on discrimination issues was very generic – giving examples based on an office environment. While this was useful, it would be preferable to have additional training that is focused on prison-based examples. The officers spoken to struggled to give examples of how they would deal with situations such as same-sex relationships and sexual health so additional specialised LGBT training could be useful for both staff and prisoners. There were a number of posters up around the prison from Stonewall highlighting awareness of LGBT issues and we were informed that this was part of a soft approach to raising awareness which was running alongside the formal processes.

STANDARD 10 - ORGANISATIONAL EFFECTIVENESS

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

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

Inspection findings

Overall Rating: Satisfactory performance ●

That HMP Kilmarnock was functioning well, in relative stability and order, was evidence of its organisational effectiveness. There was a clear sense of direction provided by the Director and his management team, both for HMP Kilmarnock specifically and within the wider Serco environment.

There were particularly effective arrangements in place for auditing and tracking the actions required following management meetings and to meet external requirements. Staff had a good level of awareness of their key roles and the part they played in the wider prison environment. Whilst some functional groups worked well together and had a good understanding of each other's roles, other groups did not appear to appreciate the demands placed on others. In particular, there was a need to improve the joint working between healthcare staff and operational staff. In addition, there was scope to improve staff confidence in decision-making.

There was a wide range of service providers from the community working in HMP Kilmarnock who provided valuable support to the prisoners. As with other prisons, issues such as the provision of accommodation and healthcare services continued to be challenging for a significant number of people immediately after they had been liberated from HMP Kilmarnock.

There was good evidence of positive communication with the public through local and national media. There was a strong commitment to Corporate Social Responsibility, resulting in a range of initiatives to support local charities.

The arrangements for the provision of throughcare support for prisoners leaving HMP Kilmarnock was unsatisfactory in comparison with other prisons in Scotland. This was one of a number of areas where the contract under which the prison was run had had an adverse effect on the delivery of positive services for prisoners. HMP Kilmarnock and SPS should jointly seek ways in which to address these inhibitors to good practice.

Quality Indicators

10.1 The prison successfully implements plans to improve performance against these standards. The management team gives clear leadership by communicating the prison's priorities and what is expected of all staff.

Rating: Satisfactory performance 

HMP Kilmarnock had in place a strategic plan for 2016, which set out clearly the priorities for the establishment along with a system for briefing staff on a regular basis to ensure that they were kept informed of developments.

The Director provided visible leadership within the prison and was accessible to staff and prisoners. The four corporate values of Serco - Trust, Care, Innovation and Pride - were displayed prominently throughout the prison. Each member of staff had identified performance development review objectives which related to specific aspects of the prison's plan.

HMP Kilmarnock was operated by Serco under a contract, monitored by two SPS staff who acted as Controllers. The contract had been in existence for over 17 years and would have benefited from updating and modernising, not only to maintain performance against these standards but most importantly, to take account of changes over the years both locally and across the prison estate as a whole.

10.2 The management team makes regular and effective use of information in improving the prison's performance against these standards.

Rating: Good performance 

HMP Kilmarnock had an impressive approach to auditing and reporting performance. The Standards Audit Unit was able to track all actions arising from decisions at management meetings and from other requirements such as SPS Governors and Managers Action Notices. Progress was monitored through regular reports to the management team. The Symbiant System was used by HMP Kilmarnock to plan, track and audit decisions and subsequent actions.

The prison became subject to Freedom of Information requirements in September 2016. A comprehensive system for responding to such requests had been put in place and had already been successfully tested in the first month of operation. A process for delivering improved operational performance had been developed and was being implemented across the prison.

10.3 Staff are clear about the contribution they are expected to make to the priorities of the prison and each is trained to fulfil the requirements of their role. Succession and development training plans are in place.

Rating: Satisfactory performance ●

Comprehensive training plans were in place for each member of staff, supported by the performance development review system. Induction training included a period of shadowing in an operational setting before new officers were considered suitable for operational deployment. The turnover of operational staff did however add additional burdens to the training requirements.

HMP Kilmarnock had developed plans to respond to the annual staff survey and had recently introduced a development programme for Custodial Operations Managers which was designed to meet the needs of the newly combined role, having previously been split between Operations Managers and Unit Managers. It was too early to assess the impact of this new programme. Succession planning was in place for senior staff.

10.4 Good performance at work is recognised by the prison in ways that are valued by staff. Effective steps are taken to remedy inappropriate behaviour or poor performance.

Rating: Satisfactory performance ●

An effective staff recognition scheme was in place. The Employee Partnership Forum identified an employee of the month and a team of the quarter, from nominations from members of staff. Each month, the Director presented the award at a recognition ceremony, which was valued by the staff. There were also opportunities for the grant of awards from Serco nationally.

Examples were given where unsatisfactory performance had been addressed appropriately, up to and including dismissal. "Letters of concern" were issued when necessary to encourage learning.

10.5 Staff at all levels understand the value of work undertaken by others.

Rating: Satisfactory performance ●

In general, there was a reasonable awareness of the work undertaken by others in the prison and the different levels of responsibilities throughout the prison. Staff frequently worked in a variety of areas of the prison, which contributed to this understanding. There was a staff rotation policy in place, which was not universally popular with staff.

Staff were involved in consultation processes and were invited to contribute to improvements in prison processes. In some areas staff did not feel empowered to make decisions without referring the matter to senior management. An example of this was the configuration of protection and mainstream prisoners within E Wing.

The establishment should encourage confidence in staff to solve problems in their own area of work.

10.6 Each functional staff group understands and respects the work undertaken by each of the other functions.

Rating: Generally acceptable performance 

There were some examples where staff had a good understanding of the work of other functional groups and worked well together with them. Staff responsible for managing the ICM system worked effectively with social workers, both prison-based and community-based. However this joined up approach was not observed between ICM staff and residential hall staff. Officers in the halls were not as engaged in the ICM process as would benefit the prisoners with their sentence planning.

Similarly, it was apparent that there were tensions between the healthcare staff working in the health centre and operational staff in the prison. A number of the healthcare staff said that they did not feel safe and that inappropriate behaviour by prisoners was not challenged by prison custody officers. The delivery of effective healthcare in the prison required a greater level of planning, co-ordination and joint working, to ensure that clinics and medical appointments were maximised.

The Chaplaincy Team expressed their appreciation for the support which they received from both senior managers and officers in the halls.

10.7 The prison is effective in fostering supportive working relationships with other parts of the prison system.

Rating: Satisfactory performance 

HMP Kilmarnock was clearly an integral part of the network of prisons in Scotland. Their staff were involved regularly in meetings with SPS staff on a diverse range of topics. They were active members of the Prisoner Management and Assurance Group and other service-wide committees. There were sound operational arrangements for decision-making in relation to the management of the prison population and good co-operation on prisoner transfer arrangements.

10.8 The prison works effectively in partnership with agencies which share responsibility for managing and supporting prisoners.

Rating: Satisfactory performance 

HMP Kilmarnock engaged effectively with a wide range of partner organisations working to support prisoners. In particular, there were positive working relationships with prison-based and community-based social workers, with high attendance at case management meetings. Prisoners could access services provided by partner organisations in the Links Centre, such as housing services, SACRO and the Wise Group. The Director had attended meetings of the local community justice partners and participated constructively.

There was a perception amongst prisoners that it was more difficult for them to progress to the National Top End from HMP Kilmarnock than for prisoners in public sector prisons which should be addressed.

10.9 The prison works effectively in partnership with organisations that provide services either during their sentence or on release.

Rating: Satisfactory performance ●

HMP Kilmarnock did not have any appointed TSOs, contrary to the practice in most other Scottish establishments. However, in order to fill this gap there was an arrangement in place with HMP Barlinnie, where their TSOs would provide support to prisoners who were leaving HMP Kilmarnock and returning to an address in Glasgow. In practice, these arrangements were not comparable with the support provided by TSOs in other prisons as there was not the same engagement in the six week period prior to liberation.

To address this issue further, Turning Point Scotland had recently been engaged to provide throughcare support to prisoners leaving HMP Kilmarnock. Two members of staff had been appointed and were developing links with local service providers. At the time of the inspection it was too early to evaluate the effectiveness of these arrangements.

The organisation Centre Stage provided opportunities for prisoners to engage in services in the community through its Catalyst programme.

10.10 The prison is effective in communicating its work to the public and in maintaining constructive relationships with local and national media.

Rating: Satisfactory performance ●

HMP Kilmarnock had a comprehensive Communication Strategy targeted at a range of audiences, including their own staff, the wider Serco organisation, local and national media. Detailed press releases were produced regularly relating to a wide range of topics. Recent news items had included an award at the Convention of Scottish Local Authority's annual awards ceremony for their Positive Play Partnership, a partnership between HMP Kilmarnock and East Ayrshire Council.

The prison staff engaged with a range of local civic organisations and contributed to relevant partnerships. They had participated in a range of initiatives under their umbrella of corporate social responsibility, raising funds for local charities and supporting good causes.

Prison population profile as at Monday 7 November 2016

Sentence	Number of prisoners
Untried/Remand/(Convicted awaiting sentence)	57 (+32)
0 – 1 month	0
1 – 2 months	1
2 – 3 months	3
3 – 4 months	9
4 – 5 months	8
5 – 6 months	15
6 months to less than 12 months	46
12 months to less than 2 years	84
2 years to less than 4 years	91
4 years to less than 10 years	76
10 years and over (not life)	12
Life/(Life sentence recalls)	54 (+6)
Order for Lifelong Restriction (OLR)	3

Age	Number of prisoners
Minimum age:	21
Under 21 years	0
21 years to 29 years	157
30 years to 39 years	188
40 years to 49 years	106
50 years to 59 years	33
60 years to 69 years	12
70 years plus	1
Maximum age:	80

Total number of prisoners	497
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Data supplied by HMP Kilmarnock.

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Acronyms

ACT 2 Care	SPS strategy for managing prisoners deemed at risk of self-harm or suicide
ATM	Automated Teller Machine
CCTV	Close Circuit Television
COPD	Chronic Obstructive Pulmonary Disease
CPP	Community Planning Partnership
DWP	Department for Work and Pensions
E&D	Equality and Diversity
FCO	Family Contact Officer
HDC	Home Detention Curfew
HIS	Healthcare Improvement Scotland
HMCIPS	Her Majesty's Chief Inspector of Prisons for Scotland
HMIPS	Her Majesty's Inspectorate of Prisons for Scotland
HMP	Her Majesty's Prison
ICM	Integrated Case Management
IEP	Incentives and Earned Privileges
IMU	Intelligence Management Unit
LGBT	Lesbian, Gay, Bisexual, and Transgender
MAPPA	Multi-Agency Public Protection Arrangements
NHS	National Health Service
OLR	Order for Lifelong Restriction
PBSW	Prison-Based Social Worker
PCF	Prisoner Complaints Form
PCO	Prison Custody Officer
PGD	Patient Group Direction
PIAC	Prisoner Information Advisory Committee
PR2	The SPS electronic prisoner records system – version 2
PSS	Prisoner Supervision System
QI	Quality Indicator
RMP	Risk Management Plan
RMT	Risk Management Team
SACRO	Scottish Association for the Care and Resettlement of Offenders
SCQF	Scottish Credit and Qualification Framework
SHRC	Scottish Human Rights Commission
SPS	Scottish Prison Service
SPSO	Scottish Public Services Ombudsman
SQA	Scottish Qualifications Authority
SRU	Separation and Reintegration Unit
SSM	Special Security Measure
TSO	Throughcare Support Officer
TTCG	Tactical Tasking and Co-ordination Group



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