



HMIPS

HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

STANDARD 2

DECENCY

2

INTRODUCTION TO STANDARD 2: DECENCY

Questions which may be helpful in monitoring and inspecting the PANEL principles:

P

PARTICIPATION:

- Are the views of prisoners sought routinely with regard to issues relating to Decency?
- Are there effective lines of communication between prisoners and staff?
- Are staff responsive to prisoners' concerns and are requests addressed timeously?
- Do prisoners feel able to voice their opinions?

A

ACCOUNTABILITY:

- Does the prison take an individualised approach to Decency?
- Is there an effective monitoring and review system of prisoner experience of this standard to ensure rights are upheld?
- Are prisoner entitlements identified along with the corresponding obligations of the prison to secure them?
- Are remedies provided in the event that rights are infringed upon?

N

NON-DISCRIMINATION AND EQUALITY:

- Are those prisoners who are most vulnerable, marginalised or who have a protected characteristic identified and appropriately supported?
- Is the prison proactive in engaging with and supporting prisoners who face barriers to achieving standards of Decency?
- Are reasonable adjustments made for the most vulnerable and marginalised prisoners to maintain personal standards of Decency?
- How do prisoners with protected characteristics or other vulnerable groups experience this standard in the prison?

E

EMPOWERMENT:

- Do prisoners understand their entitlements under this standard and are they able to claim them?
- Are staff proactive in identifying prisoners who face barriers and provide support wherever necessary?
- How is information shared with prisoners about their entitlements, choices and prison processes regarding Decency?
- Are prisoners placed at the centre of any decisions made regarding issues relating to Decency?

L

LEGALITY:

HMIPS expect that all approaches to Decency under Standard 2 are grounded in human rights law and in conformity with the Scottish Prison Rules. Standard 2 is concerned with the Right to Private Life (Article 8 ECHR) and although self-determination has been significantly curtailed by a custodial sentence, it is important to safeguard those areas where prisoners retain their ability to choose and make decisions about their own lives. Another right concerned in Standard 2 is Freedom of Thought, Conscience and Religion in relation to food, clothing and personal hygiene.

PROTECTED CHARACTERISTICS MUST BE CONSIDERED AND REFERENCED THROUGHOUT

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

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

QUALITY INDICATORS (QI)

- 2.1** The prison buildings, accommodation and facilities are fit-for-purpose and maintained to an appropriate standard.
- 2.2** Good levels of cleanliness and hygiene are observed throughout the prison and procedures for the prevention and control of infection are followed. Cleaning materials and adequate time are available to all prisoners to maintain their personal living area to a clean and hygienic standard.
- 2.3** All prisoners have a bed, mattress and pillow which are in good condition, as well as sufficient bedding issued by the prison or supplied by the prisoner. The bedding is also in good condition, clean and laundered frequently.
- 2.4** 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. All prisoners also have access to washing and toileting facilities that are either freely available to them or readily available on request.
- 2.5** 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 and allow them to maintain a sense of personal identity and self-respect. Clothing can be regularly laundered.
- 2.6** The meals served to prisoners are nutritionally sufficient, well balanced, varied, served at the appropriate temperature and well presented. Meals also conform to their dietary needs, cultural or religious norms.

2.1

THE PRISON BUILDINGS, ACCOMMODATION AND FACILITIES ARE FIT-FOR-PURPOSE AND MAINTAINED TO AN APPROPRIATE STANDARD.

FEATURES

- **Appropriate physical environment**
- **Maintenance and condition of prison buildings**
- **Adequacy of prison facilities**

SPECIFICATION

Cell accommodation meets all requirements for health. Each cell is of an adequate size and fitted with means of communication with an Officer. The cell has appropriate furnishing as well as adequate water, lighting, heating and ventilation for fresh air. Arrangements are made for the provision of healthcare and social care services by professionals, if necessary.

Cells are occupied according to the capacity for which they are designed. Those sharing cells are accommodated in double occupancy cells but where possible, single occupancy cells are preferred. Accessible cells are fit-for-purpose and there are sufficient numbers of them available for prisoners who need them.

Prison buildings are in good condition and maintained effectively. Any room where prisoners are permitted access must be adequately lit by natural or artificial light, appropriately heated and ventilated, furnished as necessary and appropriate for the area of the prison.

The maintenance of buildings is achieved through a structured programme where faults or defects are logged and dealt with efficiently.

Prison facilities are adequate for the operation of the prison regime. The physical environment, including outside spaces, matches the prisoners' needs. There is adequate space available for necessary activities and an appropriate range of spaces for the different type of activity that the prison must offer. The fabric of the prison does not hamper the work which is to be done and enables all prisoners, including those with accessibility issues, to participate fully in the activities offered.

Staff are able to deliver their responsibilities appropriately in the environment.

Legal Standards

Section

| | |
|----------------------------|---------------------------|
| CPT Standards 2015 | Page 25(30); 86(104) |
| Mandela Rules 2015 | Rule 13 |
| European Prison Rules 2006 | Rule 18.1; 18.2; 18.5; 96 |
| Havana Rules 1990 | Section 32 |
| Scottish Prison Rules | Rule 29 |

2.2

GOOD LEVELS OF CLEANLINESS AND HYGIENE ARE OBSERVED THROUGHOUT THE PRISON AND PROCEDURES FOR THE PREVENTION AND CONTROL OF INFECTION ARE FOLLOWED. CLEANING MATERIALS AND ADEQUATE TIME ARE AVAILABLE TO ALL PRISONERS TO MAINTAIN THEIR PERSONAL LIVING AREA TO A CLEAN AND HYGIENIC STANDARD.

FEATURES

- Cleanliness
- Existence of cleaning programmes
- Maintenance of hygiene control standards

SPECIFICATION

All parts of the prison regularly used by prisoners are kept scrupulously clean at all times. Prisoners are encouraged to keep their cells clean and tidy and have enough cleaning materials available to them to do so.

Sufficient time is provided to each prisoner to allow them to maintain their cells in a clean, tidy and hygienic condition.

Where prisoners are unable to clean their own cell, for any reason, the prison provides support and assistance to the prisoner in order to maintain cleanliness standards.

Health and Safety training is provided to ensure the safe use of materials and the prison ensures that the necessary qualifications are obtained by those responsible.

Cleaning programmes exist to maintain cleanliness. The prison is cleaned regularly and with the appropriate cleaning materials.

Hygiene regulations and infection control standards are observed.

Biohazard control standards are adhered to.

Legal Standards

Section

European Prison Rules 2006

Rule 19.1; 19.2; 19.5; 19.6

Scottish Prison Rules

Rule 29(3)

2.3

ALL PRISONERS HAVE A BED, MATTRESS AND PILLOW WHICH ARE IN GOOD CONDITION AS WELL AS SUFFICIENT BEDDING ISSUED BY THE PRISON OR SUPPLIED BY THE PRISONER. THE BEDDING IS ALSO IN GOOD CONDITION, CLEAN AND LAUNDERED FREQUENTLY.

FEATURES

- Condition of bed, mattress and pillow
- Cleanliness and condition of bedding
- Laundry process
- Replacement process

SPECIFICATION

Beds are comfortable and in good condition to ensure that prisoners are able to get a good quality of sleep.

Bed frames are in good condition and repaired where necessary. Mattresses are thick enough that the bed frame is not felt underneath and are of a good condition. Mattresses and pillows can be replaced where necessary.

Bedding is clean and of good condition. It is of an acceptable standard and is sufficient for the prisoner's warmth and health.

Laundry schedules are structured and robust to ensure that bedding is regularly cleaned and changed to ensure good hygiene. Personal bedding is returned. There is a system in place to make sure that all bedding is replaced for a new cell occupant or if it is in disrepair.

Legal Standards

Section

| | |
|----------------------------|------------|
| Mandela Rules 2015 | Rule 21 |
| European Prison Rules 2006 | Rule 21 |
| Havana Rules 1990 | Section 33 |
| Scottish Prison Rules | Rule 30 |

2.4

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. ALL PRISONERS ALSO HAVE ACCESS TO WASHING AND TOILETING FACILITIES THAT ARE EITHER FREELY AVAILABLE TO THEM OR READILY AVAILABLE ON REQUEST.

FEATURES

- Prisoner personal or cultural identity
- Access to facilities
- Provision of towels
- Range of hygiene items and toiletries

SPECIFICATION

Prisoners are given free access to an appropriate range of toiletries and personal hygiene materials including soap, shampoo, shaving materials and sanitary protection for women. The range available within the canteen system allows for personal choice and variety of prisoner budget across the prison, in order to allow prisoners a sense of personal or cultural identity.

Prisoners are consulted and participate in decision making about the range of toiletries available.

Access to toileting facilities is freely available.

Prisoners are able, and are encouraged, to bathe or shower on a daily basis. The establishment provides access at reasonable times for washing, showering and bathing (where this is available). Prisoners with personal care needs are assisted in maintaining personal hygiene.

Towels are provided, regularly cleaned and changed. Suitable towels are provided for each prisoner and the cleaning schedule for changing is robust.

Legal Standards

Section

| | |
|----------------------------|------------------------------|
| CPT Standards 2015 | Page 18(49); 86(105); 96(31) |
| Mandela Rules 2015 | Rule 15; 16; 18 |
| European Prison Rules 2006 | Rule 19.3-19.7 |
| Havana Rules 1990 | Section 34 |
| Bangkok Rules 2010 | Rule 5 |
| Scottish Prison Rules | Rule 34 |

2.5

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 PRISONERS ARE IN GOOD CONDITION AND ALLOW THEM TO MAINTAIN A SENSE OF PERSONAL IDENTITY AND SELF-RESPECT. CLOTHING CAN BE REGULARLY LAUNDERED.

FEATURES

- Provision of appropriate clothing
- Condition of clothing
- Laundry schedules

SPECIFICATION

Prisoners have appropriate clothing for the range of activities available including outside clothing suitable for inclement weather. Prisoners who are permitted to wear their own clothing are able to do so.

Clothing is of a good condition and can be changed where necessary. There is a channel by which prisoners can report defects in clothing and have clothing replaced where deemed appropriate.

Laundry schedules for clothing are robust and clothing is regularly laundered by the prison.

Prisoners have their clothes returned to them after laundering and where there is a loss of clothing, the prison investigates and provides a remedy.

Legal Standards

Section

| | |
|----------------------------|----------------------------|
| CPT Standards 2015 | Page 86(106) |
| Mandela Rules 2015 | Rule 19; 20 |
| European Prison Rules 2006 | Rule 20.1-20.3; 97.1; 97.2 |
| Havana Rules 1990 | Section 36 |
| Scottish Prison Rules | Rule 31-33 |

2.6

THE MEALS SERVED TO PRISONERS ARE NUTRITIONALLY SUFFICIENT, WELL BALANCED, VARIED, SERVED AT THE APPROPRIATE TEMPERATURE AND WELL PRESENTED. MEALS ALSO CONFORM TO THEIR DIETARY NEEDS, CULTURAL OR RELIGIOUS NORMS.

FEATURES

- Nutritional quality of food
- Food hygiene rules
- Training provision
- Prisoner consultation and engagement
- Cultural awareness

SPECIFICATION

Meals are of a good quality, nutritionally sufficient and an adequate quantity for health and nutrition. Food is well prepared and presented. Weekend provision of main meals takes into account the longer periods of cell lock up.

A range of food and menu choices is available, and wherever possible all prisoners are able to participate in menu choices on a regular basis. Meals are tasted by staff regularly to ensure quality and condition. The prison is proactive in engaging with prisoners, seeking feedback and listening to their opinion.

Food hygiene rules are respected and observed. Food is properly cooked, reheated, served, transported and stored in line with food hygiene regulations. All prisoners and staff in charge of handling food are trained in food hygiene and carry out the required checks before serving food. All necessary equipment is clean and gloves are available. Training is reviewed and kept up-to-date.

The dietary needs of prisoners are observed. Any dietary requirement is recognised and observed by the kitchen manager whether for medical, cultural or religious purposes. Cultural food events are held. The daily budget for food is available including the budget for special medical, cultural or religious diets.

Prisoners are aware that they are entitled to food which is in accordance with any medical requirement or religious or cultural belief, and an alternative menu is provided which maintains the balance and nutritional quality of food. The prison is proactive in ensuring it respects the beliefs of prisoners.

Legal Standards

Section

| | |
|----------------------------|----------------------|
| Mandela Rules 2015 | Rule 22 |
| European Prison Rules 2006 | Rule 22.1-22.4; 22.6 |
| Havana Rules 1990 | Section 37 |
| Scottish Prison Rules | Rule 35 |

QI ADDITIONAL LEGAL STANDARDS

SECTION

| | | |
|------------|--------------------------------------------------------------------------------|--------------------|
| 2.1 | CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008 | Section 63.1 |
| 2.2 | No additional rules | |
| 2.3 | CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008 | Section 65.1; 65.4 |
| 2.4 | CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008 | Section 65.2; 65.3 |
| | CoE Recommendation Concerning Foreign Prisoners 2012 | Section 18.1; 18.2 |
| 2.5 | CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008 | Section 66.1-66.3 |
| | CoE Recommendation Concerning Foreign Prisoners 2012 | 19.1; 19.2 |
| | Food Standards Act 1999 | |
| 2.6 | CoE Guidelines Regarding Radicalisation and Violent Extremism 2016 | Section 23 |
| | CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008 | 68.1-68.3 |
| | CoE Recommendation Concerning Foreign Prisoners 2012 | Section 20 |
| | CoE Recommendation on the European Code of Ethics for Prison Staff 2012 | Section 21 |



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