



*ASSOCIATION OF VISITING COMMITTEES  
FOR SCOTTISH PENAL ESTABLISHMENTS*

## **ANNUAL REPORT**

**for the year ending**

**31 March 2004**



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## Introduction

Visiting Committees for Scottish penal establishments were first created in 1877 and the oldest of them have now been in existence for 127 years. They are expected to understand the requirements of prison management and the difficulties of prisoners, and to exercise their judgements without fear or partiality as completely independent arbiters of the prison system and life within their establishments.

The Association of Visiting Committees was formed in 1988 to promote the effective operation of visiting committees and this is its sixteenth annual report. The objectives of the Association are:-

- ✘ To provide a forum for committees to discuss and exchange information
- ✘ To recommend standard practices by which committees should operate
- ✘ To discuss penal affairs and make recommendations to relevant parties
- ✘ To run training programmes for committee members
- ✘ To produce literature for committee members
- ✘ To clarify prison rules for members
- ✘ To set standards for members' attendances and visits to establishments
- ✘ To publicise the role of visiting committees for the benefit of the public

All visiting committees (including legalised police cells) are entitled to membership of the Association. Appendix I shows a breakdown of the number of members in each committee.

*"The Association of Visiting Committees for Scottish Penal Establishments is funded by the Scottish Prison Service but is an independent organisation, in which all visiting committees are encouraged to take an active part by appointing a representative."*

Guidance Notes for members of Visiting Committees for Prison Establishments – October 1998





# 1 The Forum

We began the year with bimonthly meetings at different establishments – 4 April 2003 at HMP Inverness; 6 June 2003 at HMP Glenochil; 8 August 2003 at HMP Cornton Vale; and 10 October 2003 at HMYOI Polmont. Meetings took the well-established form of a presentation by management, a conducted tour of the establishment and after lunch a business meeting of the Association. We record our deep appreciation of the time and hospitality afforded to us by Governors and staff. We learned a great deal from these visits which increased our understanding of the regimes required in differing establishments and of the programmes offered to prisoners which aimed to address their offending behaviour and aid their rehabilitation.

However, it was increasingly felt that combining a visit to a prison with a business session did justice to neither, and the decision was taken at the October AGM to separate the two activities. It was decided thereafter to have four business sessions of the Association and three visits to prison establishments each year. Thus we have had two further business sessions on 5 December 2003 and 5 March 2004 and one visit to HMP Perth on 4 February 2004, the latter occasion being extremely well attended from 10am till 3pm. The Governor detailed the plans for major developments in the estate, and the subsequent tour demonstrated the constraints under which the staff worked and prisoners served their time in a Victorian prison. The overcrowded halls, the lack of space for reception, assessment and programmes, slopping out in C Hall and outmoded workshops emphasised the need for wholesale renovation as a matter of great urgency.

The separate business sessions have given the opportunity to arrange presentations on key issues. We were pleased to welcome Barbara Allison from SPS Headquarters to the March meeting. Ms Allison outlined her remit as Director of Human Resources and detailed the key issues, which are presently occupying the Board of Directors' attention:-

- ✘ prisoner numbers
- ✘ new builds
- ✘ the refurbishment programme
- ✘ funding issues and priorities
- ✘ staffing
- ✘ performance contracts

This presentation focussed our attention on the present requirements of prison management and gave us the opportunity to highlight the issues for prisoners from our observations as local VC representatives.

*"Overcrowding threatens all of the Inspectorate's tests of a healthy prison – safety, respect, purposeful activity and resettlement."*

Anne Owers, HMCIP for England and Wales



## 2 Standard Practices

To make members of our visiting committees aware of the best practice in carrying out their duties we set a high priority on training.

**2.1** Our National Training Day this year was held in the Dundee City Chambers on 25 October 2003. The theme on this occasion was "Visiting: making a difference". The keynote address was given by Dr Andrew McLellan, HM Chief Inspector of Prisons for Scotland, on the role and remit of the Inspectorate. He enumerated the difficulties of inspecting prisons with an objective and independent mind and he gave useful advice to VC members who have a similar role. His presentation was greatly appreciated and is appended hereto. (Appendix II). In a break with previous practice, the Association "bought in" training expertise via Diane Lurie, a consultant facilitator, who outlined the concept of mind tools as aids to strategic thinking. Members worked in groups, adopting the strategies of SWOT analysis and "Thinking Hats" to address a variety of problems. There were no correct answers but members learned some techniques, which could be applied to similar problematic situations when carrying out their visiting duties. The Committee suite in the Dundee Chambers proved to be a most suitable venue for our training purposes and we were further indebted to Dundee City Council for the Civic Lunch which they provided for us, preceded by a fulsome welcome and appreciation of the work of Visiting Committees by the Depute Lord Provost Councillor Charles Farquhar.

**2.2** Training for Conveners and Clerks was held at the Jury's Inn in Edinburgh on 26 March 2004. Delegates represented visiting committees and legalised police cells from Campbeltown to the Orkneys and Shetlands. We were pleased to welcome Sharron di Ciacca from the SPS Legal and Policy Branch who spoke of her wide remit in the Legal Branch and within that her specific responsibility of liaising with visiting committees. Ms di Ciacca answered a wide variety of questions in the course of a presentation that was much appreciated. The Conveners and Clerks then split into their respective groups to discuss the issues, which were most relevant to their duties. A final plenary session served to highlight the issues, which required the highest priority for committees and the Association, viz.

-  Guidance Notes for members of Visiting Committees
-  Job descriptions
-  The Freedom of Information (Scotland) Act 2002
-  The conduct of VC meetings
-  The oversight of the work of Committee
-  Training
-  Annual Reports

*"In all its activities, the visiting committee needs to uphold the principles of fairness and humanity in the treatment of prisoners, while giving full weight to the need for the maintenance of discipline and control. Visiting committees are expected to exercise firmness with understanding and consistency without rigidity."*

Guidance Notes for members of Visiting Committees for Prison Establishments – October 1998

## 3 Discussion

Conferences provide valuable learning experiences, both in the formal presentations and in the opportunities for informal discussion. It has been our privilege to send delegates to the conferences of the IMB in England and Wales, and NIAMBOV in Northern Ireland. We are pleased to have been able to reciprocate with invitations to delegates from these organisations to our annual conference.

### 3.1 The Annual Conference of the Association

This took place in the Hilton Hotel, Dundee on 26 October 2003 and was attended by 75 delegates. The theme "Rehabilitation; the way forward" was presented by four able speakers:

-  Rt. Hon. Sir Peter Lloyd, the chairman of the working group which produced the Review of the Boards of Visitors (the Lloyd Report) and President of the National Council of the Independent Monitoring Boards.
-  Ian Whitehead, the Governor of HMP Noranside
-  Dan Gunn, the Governor of HMYOI Polmont
-  Bernadette Monaghan, the Director of Apex Scotland

Sir Peter reported on the 5<sup>th</sup> review of the Boards of Visitors of England and Wales and the recommendations which it made to the Home Office Minister. The report concluded with 57 recommendations, all of which were accepted by the Minister. The importance of the independence was accentuated by the recommendation that the Board should be renamed the Independent Monitoring Board.

Delegates were aware that many of the Lloyd recommendations could be applied to Visiting Committees in Scotland and were necessary to their reputation for independence and concern for the welfare of prisoners.

Mr Whitehead described the new initiatives which were being implemented in the Open Estates at Noranside and Castle Huntly Prisons in a concentrated effort to offer positive rehabilitation programmes and to reduce re-offending.

Mr Gunn gave delegates a clear insight into the unique and varied initiatives, which were currently being implemented in the programmes for young offenders at Polmont.

Ms Monaghan described the work of Apex Scotland, a national voluntary organisation set up to improve the employment opportunities for individuals with a criminal record. Her enthusiastic accounts of the many successes the organisation could claim convinced delegates that rehabilitation works when bridges are built between prisons and the community.

The organisation of the day was rated highly by delegates, many of whom were attending their first Association Conference.

## 3.2 IMB Launch

The Association was represented by the Convener at the launch of the Independent Monitoring Boards on 8 April 2003 in Westminster, London. Home Office Ministers were present and voiced their awareness of the important work of Boards, much of which is unseen and unappreciated by the public at large. Sir Peter Lloyd was introduced as the newly appointed President of the National Council. Sir Peter asked the members of the new Boards to turn the Lloyd Report into a reality. It was fitting that the Independent Monitoring Boards should be launched in the presence of Ministers and 132 representatives of the Boards from the prisons in England and Wales in such an impressive Hall not far from the Palace of Westminster.

## 3.3 NIAMBOV Conference

The Convener and Vice-Convener represented the Association at the Northern Ireland Board of Visitors conference in the Hilton Hotel, Belfast on the 10 May 2003. The theme of the conference "Released – Safe and Sound" highlighted healthcare offered to prisoners in Northern Ireland. Guest speakers included:-

- ✘ Dr Raman Kapur – Director, Threshold (a leading mental health charity)
- ✘ Dr Edna Dooley – Director, Health Care, Southern Ireland
- ✘ Dr Philip McClements – Director, Health Care, Northern Ireland

## 3.4 IMB 2003 Annual Conference

The Convener and the Secretary attended the first conference of the IMB, since the launch of the new name, in Keele University from 11-13 September 2003. Among the speakers were Paul Goggins MP, The Under Secretary for State for Correctional Services and Reducing Re-offending, and Sir Peter Lloyd. Subjects of discussion ranged from detention of failed asylum seekers to overcrowding in prisons.

# 4 Practical Training

It has been our practice for some years to send a party of representatives from our Committees to visit English or Irish prisons to see at first hand how they are managed and how our fellow Boards operate. Three prisons in the Preston/Wigan area were visited, namely HMP Altcourse (a private prison run by Group 4), HMP Buckley Hall (a women's prison) and HMYOI Lancaster Farms (a remand centre/young offenders institution). The party comprised 15 delegates, representing 10 Visiting Committees and 2 Legalised Police Cells, the majority of whom had not visited English Prisons before.

Delegates observed wide differences in the three prisons from excellent provision of residential halls, working conditions, recreational facilities, visiting rooms and programmes at one end of the scale to depressing conditions for staff and prisoners, a general air of drabness and neglect at the other.

However there was general agreement that the visits were interesting and worthwhile. There were opportunities to meet staff, prisoners and IMB members and to engage in open discussion. It was also possible to make comparisons with conditions in the establishments from which the delegates had come and to take back ideas for consideration with staff, prisoners and the Committee there.



## 5 Literature

At recent Training Days members, conveners and clerks have unanimously agreed that revised Guidance Notes for members are long overdue. Members agree that a handbook in loose-leaf form would be preferred so that revisions to chapters could be updated easily without the need to print the whole volume each time. This is a task that has to be undertaken in consultation with Sharron di Ciacca of the Legal Department at SPS. However the Association intends to set up a working group to suggest a format and content which would be user friendly to VC members.

## 6 Prison Rules

Prison Rules are also contained in the handbook but are constantly being amended or re-written. It would be to the advantage of members if those that apply to VC duties could be placed in the Members Handbook and replaced or updated as necessary.

## 7 Attendances and Rota Visits

The Conveners' workgroup on their training day underlined responsibilities in the following areas:

-  Ensure that members attend meetings
-  Ensure that members fulfil rota duties
-  Ensure that all members receive appropriate training
-  Ensure that new members receive induction training
-  Monitor complaints
-  Monitor major incidents
-  Keep accurate minutes of meetings

## 8 Publicity

There are opportunities to publicise the work of Visiting Committees. The Annual Reports are produced for the Justice Minister and the Chief Executive of the Scottish Prison Service. However they are also released to the Press and by this means the public can be made aware of all that Visiting Committees observe as the watchdogs of their local communities.

This information is important in the recruitment of suitable lay persons to serve on local committees. This is already done by some Local Councils through the advertisement of vacancies and the interviewing of applicants. The Association has always recommended that this practice should be extended to all Councils. It is proving to be increasingly difficult for elected members to devote the necessary time to the work of visiting committees due to their heavy commitments on council duties.

It is always challenging for the Association to receive requests for the views of its members from interested parties. Such a request was received from Justice Committee 1 of the Scottish Executive as part of its enquiry into the effectiveness of rehabilitation programmes in prisons. It is to be hoped that the informed views of our members will be heeded for the sake of prisoners while in custody and upon their release back into society, and also for the communities to which they return who expect that rehabilitation means that re-offending will be reduced.

## 9 Points of Concern

Reports from Visiting Committees highlight acute concerns about the following issues within the prison service:

- ✘ **The record numbers of prisoners in our establishments, and inadequate staffing levels.** There are frequent reports about the cancellation of programmes in education, recreation and leisure pursuits. Continuity and commitment are important elements in sentence planning and the disillusionment that follows the cancellation of expected programmes can seriously undermine genuine rehabilitation.
- ✘ **Slopping out.** The Association acknowledges the progress that is being made but this degrading activity for prisoners and supervising staff has no place in the prisons of a civilised society. The ending of slopping out should be given top priority and every means of affording prisoners night and weekend sanitation should be employed until the necessary building programmes are complete.
- ✘ **The lack of work opportunities for all prisoners.** Far too many prisoners are experiencing the monotony of doing nothing worthwhile to occupy their time day after day.
- ✘ **The 5% cuts imposed upon Governors year after year.** This cannot continue without a serious impact upon staffing levels. Prisons cannot deliver the programme of security and rehabilitation unless adequate staff levels are maintained across the service.
- ✘ **Daily food allowance.** There has been no increase in the £1.57 per day food allowance for prisoners since 1997 as a result of which concerns have been raised regarding the sustainability of both quality and quantity.

## Conclusion

The Association welcomes every opportunity to inform its member Visiting and Legalised Police Cell Committees of current initiatives and regularly disseminates documentation to local clerks and conveners.

Following relocation of male young offenders from Glenochil YOI to Polmont YOI, the Association was pleased to commend experienced VC members at Glenochil to other committees in order that their expertise should not be lost.

I am pleased to submit this report of the year's work on behalf of the Association of Visiting Committees and shall be pleased to respond in any way to questions on any or all of the matters covered.

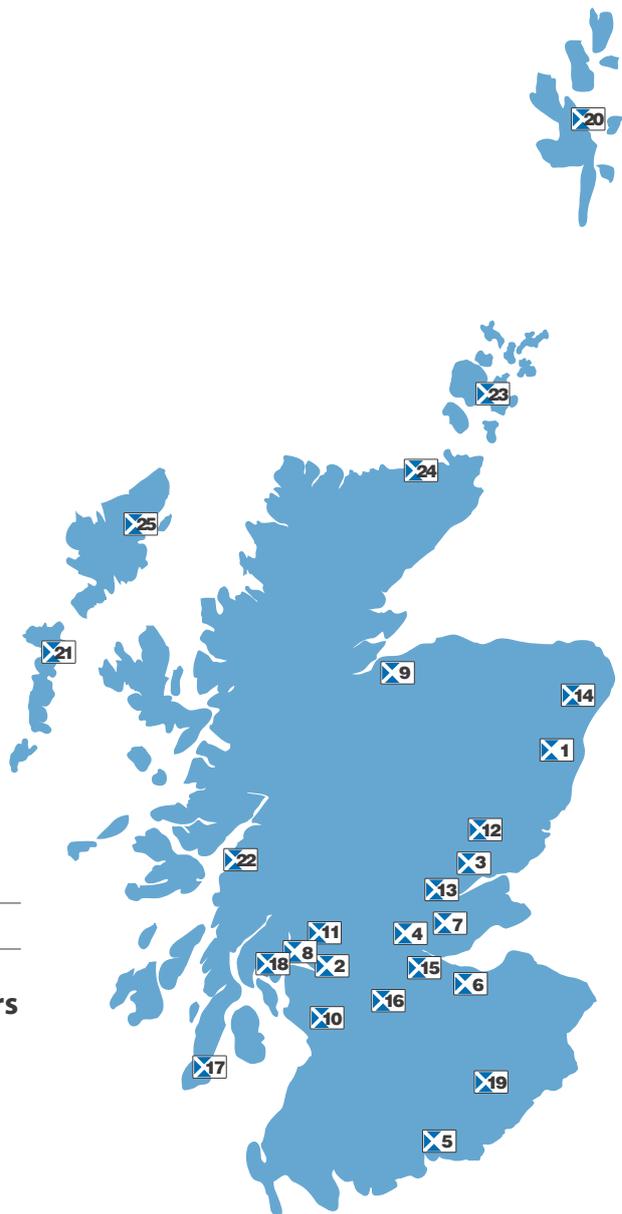


Bob Shewan  
Association Convener



# Appendix 1

Visiting Committee		Members
✕1	Aberdeen	8
✕2	Barlinnie	25
✕3	Castle Huntly	8
✕4	Cornton Vale	
	Over 21	15
	Under 21	6
✕5	Dumfries	11
✕6	Edinburgh	17
✕7	Glenochil	14
✕8	Greenock	8
✕9	Inverness	10
✕10	Kilmarnock	15
✕11	Low Moss	10
✕12	Noranside	8
✕13	Perth	19
✕14	Peterhead	8
✕15	Polmont YOI	16
✕16	Shotts	17
<b>Total</b>		<b>215</b>
Legalised Police Cells		Members
✕17	Campbeltown	3
✕18	Dunoon	3
✕19	Hawick	3
✕20	Lerwick	3
✕21	Lochmaddy	3
✕22	Oban	3
✕23	Orkney	3
✕24	Thurso	3
✕25	Stornoway	3
<b>Total</b>		<b>27</b>
<b>Grand Total</b>		<b>242</b>



## Appendix II

### Address to the Training Meeting of the Association of Visiting Committees

Dundee - 25th October 2003

I very much appreciate this opportunity to meet members of Visiting Committees and to say to you how important the task of Visiting Committees is. It is important for prisons and it is important for the public. I shall say something of my own responsibilities; I will reflect on Visiting Committees; and I will say something of how I hope we might work together.

#### Basis for HMCIP

Her Majesty has a few Inspectors of different public services in Scotland, of which I am one. The title is not mere ornament. The idea is that the Inspector is not a creature of government, but appointed by the Queen: and so the Inspector can have some independence from the Scottish Executive. Independence is an important strand to the work of the Chief Inspector: independence both from ministerial interference and from interference from the Scottish Prison Service. I can say (and I know my predecessor used to say the same) that I have never experienced any attempt to limit that independence.

Of the different inspectors only the Chief Inspector of Prisons has no professional background in the service inspected. The Chief Inspector of Constabulary is a policeman and the Chief Inspector of Education is a teacher. Perhaps there is a recognition that prisons are a particularly closed world and that there may be some public reassurance if they are inspected by one who has no previous involvement.

My task is to inspect the conditions in which prisoners live and the treatment prisoners receive. So it is not part of my work to inspect the Prison Service. Unlike me you do have a responsibility to inspect how a prison is managed: in terms of my task the management of a prison is only significant as far as it affects the conditions and treatment of prisoners.

We are a small team. There are two senior prison governors seconded from the SPS to give me professional advice; there is a staff civil servant, and a personal secretary. All of us are in full-time appointments. On full inspections we also make use of colleagues from the inspectorates of Education and Social Work; and from the staff of the Chief Medical Officer. Occasionally staff from one prison will assist us in the inspection of another.

We make five full inspections each year: so a prison will have one every three years. Follow-up inspections are made each year to ten prisons. In addition I and my staff will regularly make informal visits to prisons. There is provision for unannounced inspections. I think it very important that provision should be there: but I have not as yet made use of it. Once



every three years there is inspection of Legalised Police Cells, a small number of police cells in certain locations where prisoners can be held for a period of time.

A full inspection takes between seven and ten days. There is a great deal of material supplied by the prison before the inspection, and this will include material from the Visiting Committee. The key activity of inspecting is listening: we will listen to the Governor, to individual members of staff and to staff groups; but most of all we will listen to prisoners. There will be organised groups of prisoners, there will be conversations in the workplace or the gym, there will be many conversations as we walk about the halls. We will meet with representatives of the Visiting Committee. I do not have keys. I know that some members of Visiting Committees think it is a good idea to carry keys; but I am quite clear that it would be a bad idea for me. I think that keys are the very clearest sign of who is in control, and carrying keys is, I think, a sign to prisoners of which side you are on.

All the time during inspections there is listening and looking and smelling ... and thinking. Thinking is the most important part: there are feedback sessions twice a day to help us all to think about what we are finding and what it means. Then the report has to be written. Even with really hard work, it will often be three months after a full inspection before all the procedures have been finalised for the publication of the report. Reports are sent to the Justice Minister and are published on our website: they are public property. A full report will normally be published with a Press Conference in the Prison: a follow-up report will usually be accompanied by a Press Release.

## What is inspected?

In all inspections we look at three areas.

### Safety

How many escapes have there been? One aspect of safety is that the prison keeps in prison those who have been sent there. The Scottish Prison Service does this very well: the record on escapes compares well with any prison service.

How safe do prisoners feel? How safe to staff feel? What do the figures show about violence (figures for assault - prisoner on prisoner, prisoner on staff, staff on prisoner)?

What are the relationships between staff and prisoners? This is a key factor in "the treatment prisoners receive": intimidation is not always physical. I am pleased how regularly we report on good relationships.

What is the standard of healthcare? This is usually the chief matter of complaint to inspectors from prisoners. On full inspections we will be accompanied by an inspector from the office of the Chief Medical Officer. There is always a big gap between what healthcare staff say and what prisoners say.



## Decency

How good is the accommodation? Cells are home for prisoners. The variety in Scottish jails is considerable. What is provided within the cell? In this as in so much the thinking of the inspectorate is influenced by thinking and legislation about human rights. Slopping out in shared accommodation is a major concern.

What is reception procedure like? A vulnerable time for prisoners. What is the standard of accommodation, privacy, access to information in different languages? Visiting Committees should make sure that they visit "when prisoners are being received".

What is the provision for clothing? Again there is a great range. Some prisoners wear their own, some not; some get to wear their own underwear, some not. What is the condition and cleanliness of prison clothing?

How good is the food? This is our second biggest source of complaint. Visiting Committees are encouraged to test food in front of prisoners, and to test it where in the prison it is served at its coldest.

What are the visit arrangements? This is very important for prisoners. There is a balance between security (keeping drugs and weapons out of prison) and humanity (allowing a relaxed and personal atmosphere in the visit room). What is the visit room like? What do visitors think?

## Reducing Re-offending

For the sake of public safety prisons have a duty to seek to reduce re-offending: in all its public statements the Scottish Prisons Service declares that its responsibilities are not merely custodial.

How good is learning and education? On full inspections we will be accompanied by someone from the department of the Chief Inspector of Education.

What opportunities are there for employment within the prison? These vary considerably: variety of access, of usefulness of work, of wages.

What preparation is there for release? The prospect is different for a prisoner serving a sentence of 30 days and for a prisoner serving a sentence of 30 years. Are there good links with the community? Is there a good system of pre-release preparation?

What standard of addictions response is there? (Is mandatory drug testing the most useful way of employing 40 SPS staff?)

What programmes for addressing offending behaviour are available? What access is there to them?



## On Visiting Committees

How active are you? This is not a question about how busy you are. Rather it is about how usefully you pursue matters. When, for example, you receive a healthcare complaint (and if you do not receive any then that tells you something quite serious about your Visiting Committee, because prisoners in your prison will certainly have such complaints) what do you do about it? How do you do taste the food? How regularly do you visit the segregation area? The reception area? What prisoner records do you examine? Have you a role in community preparations for release? How often do you check the records of orderly room decisions?

The annual report of the Association raises good issues (although I would not agree with every one of your conclusions!). It is good that you care about staff morale.

I want to suggest some things you might do if you were interested in being taken more seriously than you feel you are taken at the moment. If any of this sounds like criticism you can be assured that I already know that the one Visiting Committee which does not deserve any of the possible criticism is yours! You would be taken more seriously

If you cared less about being in the good books of the Governor. Often it seems to me that Visiting Committees sound like the Public Relations agents of the Governor. It is extremely important - perhaps nothing is more important - that you preserve your independence from the Governor. Scotland is extraordinarily well served by the Governors of its prisons: but it is not the job of Visiting Committees to "cosy up" to the Governor. Almost all the Governors have told me that they would prefer Visiting Committees to give them a harder time. I think this might be the key issue to concentrate on if you want to be taken seriously by the SPS and by the Executive.

If your guidance notes were not prepared by the Scottish Prison Service. I was astonished to be given a copy and to discover that you allowed the SPS to tell you how to behave.

If you complained more. When was the last time that your Visiting Committee brought a specific issue to the Justice Minister because the Governor had failed to provide a remedy? If you involved the community more in its relationship with the prison. If prisoners recognised that telling you their concerns made any difference.



## Visiting Committees and HMCIP

During every full inspection and some follow-up inspections I meet with representatives of Visiting Committees. I am always pleased when Visiting Committees write to me or come to see me. The resources we have are available to you: certainly we have access to a good deal of information. I have enjoyed meeting your Executive Committee and I have very much enjoyed this opportunity of meeting you: from my point of view such meetings, say annually, would be very useful.

I would be so pleased if Visiting Committees also took our reports seriously. I want to suggest that you might take it upon yourselves to study our recommendations on your prison and to follow them up, so that you could discover what was actually happening about the matters to which we had drawn attention.

### In Conclusion:

I value very much the constant and committed work of Visiting Committees. But I become depressed when I hear them say "Ours is a great prison". No prisoner sees it like that. Imprisonment is always sad. Despair and bitterness are the order of the day. Visiting Committees need to know the prison well enough to recognise that. By providing public scrutiny and a channel through which the difficulties of prisoners can be addressed you offer a significant limitation of the sadness.

*"The independence of the Visiting Committee is central to its function: it is NOT part of the management structure of the prison establishment."*

Guidance Notes for members of Visiting Committees for Prison Establishments – October 1998

