

HM Inspectorate of Prisons for Scotland (HMIPS)

Basics	Web site	https://www.prisonscotland.gov.uk/
	Geographical coverage	The 15 prisons establishments throughout Scotland (http://www.gov.scot/hmip).
Constitutional Aspects	Legal Framework/Basis	Independent prison monitors hold statutory authority under The Prisons (Scotland) Act 1989 c. 45
	Independence	<p>Prisons (Scotland) Act 1989: S7 Appointment and functions of Her Majesty's Chief Inspector of Prisons for Scotland.</p> <p>(1) Her Majesty may appoint a person to be Chief Inspector of Prisons for Scotland.</p> <p>(2) The functions of the Chief Inspector are—</p> <ul style="list-style-type: none"> (a) to inspect, or arrange for the inspection of, prisons and the treatment of prisoners, (b) to inspect the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements (within the meaning of section 102 (arrangements for the provision of prisoner escorts) of the Criminal Justice and Public Order Act 1994), (c) to inspect the arrangements operated by prisons for the temporary release of prisoners in accordance with rules made under section 39, (d) to investigate specific matters connected with prisons or prisoners which have been referred to the Chief Inspector by the Scottish Ministers, (e) to issue instructions to prison monitoring co-ordinators in relation to the exercise of their functions, (f) to prepare and publish guidance on the exercise of the functions of prison monitoring co-ordinators and independent prison monitors, (g) to evaluate the performance of each prison monitoring co-ordinator, and (h) such other functions as are conferred on the Chief Inspector by this or any other enactment. <p>(3) The Chief Inspector must report to the Scottish Ministers—</p> <ul style="list-style-type: none"> (a) following an inspection carried out under subsection (2)(a),(b) or (c), (b) following an investigation carried out under subsection (2)(d), and (c) annually, in relation to— <ul style="list-style-type: none"> (i) the conditions in prisons and the treatment of prisoners, and (ii) the exercise of the functions of independent prison monitors. <p>(4) In relation to a report made under subsection (3)(c)—</p> <ul style="list-style-type: none"> (a) the report is to be in such form and made by such date as the Scottish Ministers may direct, and (b) different forms and different dates may be directed in relation to reports made under subsection (3)(c)(i) and (ii).

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	<p>(5) The Chief Inspector must lay before the Scottish Parliament—</p> <p>(a) a copy of any report made under subsection (3)(c), and</p> <p>(b) a copy of any report made by a prison monitoring co-ordinator under section 7B(6)(b) or (c).</p> <p>(6) The Chief Inspector may report to the Scottish Ministers in such manner as the Chief Inspector considers appropriate on any matter relating to—</p> <p>(a) the conditions in prisons,</p> <p>(b) the treatment of prisoners, or</p> <p>(c) the exercise of the functions of prison monitoring co-ordinators or independent prison monitors.</p> <p>(9) The Scottish Ministers may provide staff, property or services to the Chief Inspector to assist the Chief Inspector in the exercise of the Chief Inspector's functions.</p> <p>HMCIPS for Scotland operates independently from the Scottish Prison Service. HMCIPS reports to the Cabinet Secretary for Justice. However, in carrying out inspections and in preparing reports, HMCIPS is independent of political influence, the Scottish Government Learning and Justice Directorate and the Scottish Prison Service. The Chief Inspector is directly accountable to the Scottish Ministers.</p> <p>Recommendations can only be made, and the inspector has no executive power to enforce these recommendations.</p> <p>"Membership of the NPM means that HMIPS is independent and impartial, with a remit to inspect and monitor outcomes for prisoners in Scotland." https://www.prisoninspectorescotland.gov.uk/sites/default/files/publication_files/SCT12176046561.pdf</p> <p>HMIPS has written 9 standards based on nationally and internationally agreed human rights law standards:</p> <ul style="list-style-type: none"> • Lawful and Transparent Custody • Decency • Personal Safety • Effective, Courteous and Humane Use of Authority • Respect, Autonomy and Protection Against Mistreatment • Purposeful Activity • Transitions from Custody into the Community • Organisational Effectiveness • Health and Wellbeing
<p>Financial Independence</p>	<p>The Prisons (Scotland) Act 1989: S7 (8): The Scottish Ministers are to pay the Chief Inspector such salary and allowances, and such other sums in respect of the exercise of the Chief Inspector's functions, as the Scottish Ministers consider appropriate.</p>

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Membership	<p>Composition of body</p> <p>HM Chief Inspector of Prisons is assisted by the Deputy Chief Inspector, the Inspector of Prisons, the Head of Prison Inspection and Monitoring Co-ordination, National and Regional Prison Monitoring Co-ordinators, a Prison Monitoring Training Liaison Officer and Business Support for Monitoring staff. (https://www.prisoninspectorscotland.gov.uk/about-us/who-we-are).</p> <p>The inspection teams comprise HMIPS staff, those seconded from the Scottish Prison Service and HMIP (England and Wales) and subject experts from other organisations including inspectors from the Care Inspectorate, Education Scotland, Healthcare Improvement Scotland as well as staff from the Scottish Commission on Human Rights. (https://www.prisoninspectorscotland.gov.uk/about-us/inspection).</p> <p>All staff, including partners, must have appropriate security vetting, personal photographic identification and security training. HMIP is covered by Crown immunity from prosecution under the Offender Management Act 2007 regarding the conveying of items in and out of the establishment related to their designated duties. (https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/02/3.-GUIDE-FOR-INSPECTORS-APPENDICES-May-2017.pdf).</p>
	<p>Appointment</p> <p>S7(1) of Prisons (Scotland) Act 1989 (c.45): Her Majesty may appoint a person to be Chief Inspector of Prisons for Scotland. From the HMIP for Scotland’s website: “HMCIP is appointed by the Crown under section 7 of the Prisons (Scotland) Act 1989 and since the establishment of the Inspectorate in its present form, all six post holders have been lay appointments – i.e. individuals with no previous connection to the prison service.”</p> <p>HM Chief Inspector of Prisons for Scotland is appointed by a Royal Warrant, and is recruited in accordance with the Civil Service Commissioners' Recruitment Code on fair and open competition (http://civilservicecommission.independent.gov.uk/civil-service-code/). He is located with the Scottish Government Criminal Justice Directorate but conducts all inspections independently.</p>
	<p>Expertise</p> <p>HMCIPS receives professional support from staff seconded from the Scottish Prison Service and HMIP (England and Wales) and subject experts from other organisations including inspectors from the Care Inspectorate, Education Scotland, Healthcare Improvement Scotland as well as staff from the Scottish Commission on Human Rights. (https://www.prisoninspectorscotland.gov.uk/about-us/inspection).</p> <p>HMCIPS will seek the Care Quality Commission's expertise when necessary. (https://www.cqc.org.uk/sites/default/files/20161221_mou-cqc-hmip-2016.pdf). In addition, HMCIPS can recruit relevant personnel, particularly those who have recognised specialist skills which would benefit the inspection process.</p>

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		<p>Personnel recruited by HMCIPS to assist with one or more inspection will have the status of Associate Inspector and will require, if not already security cleared, to be checked and passed by Disclosure Scotland at Basic Level. HMCIPS may recruit specialist inspection advice from other sources including SPS, other Prison Services, other Inspectorates, and specialist organisations in the fields of criminal</p>
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	Places of deprivation of liberty to be visited	<p>Her Majesty's Chief Inspector of Prisons for Scotland is required to inspect the 15 prison establishments throughout Scotland: Addiewell, Barlinnie, Castle Huntly, Cornton Vale, Dumfries, Edinburgh, Glenochil, Grampian, Greenock, Inverness, Kilmarnock, Low Moss, Perth, Polmont, Shotts.</p> <p>The Chief Inspector also undertakes inspections of legalised police cells. These are cells in a number of police stations, usually distant from a prison, where prisoners may legally be held for short periods while awaiting trial or immediately after conviction.</p> <p>The Chief Inspector has responsibility for the inspection of the treatment of and conditions for prisoners under escort.</p> <p>(http://www.gov.scot/hmip).</p>
	Frequency of visits	<p>HM Chief Inspector conducts regular inspections of individual prison establishments and legalised police cells in Scotland.</p> <p>Within the Scottish Prison Service there are 15 prison establishments and it is the aim of the Inspectorate to regularly carry out a full inspection of each of these establishments.</p> <p>Each full inspection normally lasts one week. Following each inspection a report is prepared, which is submitted to the Scottish Ministers and published. In addition to the programme of full inspections, follow up inspections – which normally last one or two days – are undertaken.</p> <p>2016-17 was the first full year of the operation of Independent Prison Monitoring. IPMs are volunteers from local communities who monitor treatment and conditions in Scotland’s prisons. These inspections are conducted under the remit of HMCIPS. Each prison is</p>

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	<p>monitored at least once per week. IPMs make observations about treatment and conditions, and also look into issues prisoners raise. Any prisoner can request to see an IPM.</p> <p>The findings from IPMs' visits are communicated regularly to prison Governors and Directors throughout the year. Quarterly one-page summaries of their findings are published on the HMIPS website https://www. prisoninspectoratescotland.gov.uk/publications.</p> <p>(https://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/SCTO6174847802.pdf).</p>
Types of visits	<ul style="list-style-type: none"> • Visits may be announced or unannounced. • The scope, focus and content of any inspection is determined by HMCIPS, taking into consideration the particular circumstances relating to any given establishment at the time of inspection. It is expected that any inspection and subsequent report will cover: <ul style="list-style-type: none"> • Physical conditions prevailing in an establishment; • Treatment of prisoners; • Facilities, services and opportunities available to address offending behaviour and the accessibility of these; • Preparations in place for returning prisoners to the community; • Any other relevant matter as the Cabinet Secretary for Justice may direct or HMCIPS may choose; • Thematic inspections are also carried out, e.g. the experience of older prisoners in Scotland's prisons.
Private interviews	<p>The Chief Inspector and members of the inspection team are entitled to access any part of an establishment, to see any relevant papers or records held in the establishment or at SPS Headquarters and to speak to any staff member or prisoner privately and in confidence.</p> <p>Standard 6.2 of the Standards for Inspecting Court Custody Provision in Scotland: Staff respect prisoners' rights to confidentiality in their dealings with them https://www.prisoninspectoratescotland.gov.uk/sites/default/files/publication_files/Standards%20for%20Inspecting%20Court%20Custody%20Provision%20in%20Scotland%20March%202017.pdf).</p>
Access to information	<p>The Chief Inspector and members of the inspection team are entitled to access any part of an establishment, to see any relevant papers or records held in the establishment or at SPS Headquarters and to speak to any staff member or prisoner privately and in confidence. Thus sources of evidence for the findings of each individual report come from, inter alia, prison records and prison background materials.</p>
Publication of findings after visits	<p>All inspection reports (reports on individual establishments and thematic reports) are published.</p> <p>As with inspection reports, these thematic study reports are submitted to Scottish Ministers. https://www.prisoninspectoratescotland.gov.uk/publications?tid_1=4).</p>

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	<p>The Inspectorate has a statutory obligation to prepare an Annual Report which is laid before Parliament. The report summarises the work of the Inspectorate for the year in question and offers comments on relevant aspects of the operation of the Scottish Prison Service (https://www.prisonsspectoratescotland.gov.uk/publications?tid_1=1).</p> <p>All current reports can be found at: https://www.prisonsspectoratescotland.gov.uk/publications.</p> <p>HMCIP will advise the Minister for Justice on a case by case basis as to whether the publication of any Inspectorate Report is to be accompanied by a News Release or a Press Conference, or nothing.</p> <p>All HMIP reports will be preceded by a press notice. HMIP's press officer will produce a draft press notice five working days before publication and seek a quote from the Chief Executive of NOMS to insert into this notice. (https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/02/3.-GUIDE-FOR-INSPECTORS-APPENDICES-May-2017.pdf).</p>
<p>Coordination of visits</p>	<p>Legislation allows for cooperation between monitoring bodies (eg HM Chief Inspector of Prisons for Scotland and HM Chief Inspector of Constabulary: See Management of Offenders etc. (Scotland) Act 2005 ASP 14: S 2 Co-operation for purposes of inspections.</p> <p>“(1) Where any person mentioned in subsection (2) is conducting an inspection of the provision of services to relevant persons, the persons mentioned in that subsection may co-operate with one another for the purposes of that inspection.</p> <p>(2) The persons are- (a) Her Majesty’s Chief Inspector of Prisons for Scotland; (b) Her Majesty’s Chief Inspector of Constabulary; (c) a person authorised under section 6(1) of the Social Work (Scotland) Act 1968 (c.49) (supervision of establishments providing accommodation for persons and inspection of records etc.)”</p>
<p>Recommendations and suggestions for amendments to legislation</p>	<p>A report to the Cabinet Secretary for Justice is produced which makes recommendations, points for action by the individual establishment and/or SPS, and areas of good practice. See also SPS Governors & Managers Advice: Guidance for the conduct of inspections by HMIP, reference 27A,04, issued 14 July 2004 (http://www.scotland.gov.uk/Publications/2006/08/03104351/0).</p> <p>The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 amended the Prisons Scotland Act 1989.</p>

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Preventive activities	SPS Research has a Service Level Agreement with HMCIP for the delivery of research based evidence which can inform the inspection process. Successive annual Prison Survey results are made available to HMCIP to enable the inspection team to focus on particular issues of interest or concern raised in a given establishment at the time of survey. Specific substantive research reports published as part of the SPS Occasional Paper Research Series will also be forwarded to HMCIP for information.
Legal standards applied	<p>Standards for Inspection and Monitoring from the HMIPS website: https://www.prisonssinspectoratescotland.gov.uk/publications?tid_1=31</p> <p>'Standards for Inspecting and Monitoring Prisons in Scotland' May 2018 report: https://www.prisonssinspectoratescotland.gov.uk/sites/default/files/publication_files/SCT12176046561.pdf</p> <p>HMIPS is a member of the UK's National Preventative Mechanism (NPM) which was established under the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). https://www.prisonssinspectoratescotland.gov.uk/sites/default/files/publication_files/SCT12176046561.pdf</p> <p>Membership of the NPM means that HMIPS is independent and impartial, with a remit to inspect and monitor outcomes for prisoners in Scotland.</p>
Annual reports	<p>Prisons (Scotland) Act 1989: S7 (5): HMCIP submits an Annual Report to the Scottish Ministers which is laid before Parliament and published.</p> <p>The Inspector is also required to report his findings to Scottish Ministers. http://www.gov.scot/hmip</p>