

---

<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>9 April 2015</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>FJ/LP/062/15</b>
<b>Contact Officer:</b>	<b>Fraser Jarvie</b>	<b>Contact No:</b>	<b>01475 712121</b>
<b>Subject:</b>	<b>Prison Visiting Committees</b>		

---

## 1.0 PURPOSE

1.1 The purpose of this report is to advise the Council of (1) Scottish Government changes to prison monitoring arrangements which come into effect on 31 August 2015 and (2) a letter from the Scottish Prison Service Visiting Committee Liaison Officer regarding current vacancies at a number of Visiting Committees across Scotland.

## 2.0 SUMMARY

- 2.1 Every prison requires a Visiting Committee. This is a statutory requirement for Councils of the prison's catchment area as detailed in the Prisons (Scotland) Act 1989. The relevant local authorities, including Inverclyde Council are required to provide representation, based upon the likely prisoner demographic and subsequent percentage of the population of each Council.
- 2.2 Due to the pending change in prison monitoring arrangements it appears that vacancies for members of certain Visiting Committees across the country have not been filled.
- 2.3 The Council along with all Councils in Scotland has received a letter from the Scottish Prison Service Visiting Committee Liaison Officer asking that Councils give this their immediate attention. A list of the relevant Visiting Committees and the current vacancies has been provided. The list is inaccurate with regard to the Council's appointment of a Member to the Barlinnie Prison Visiting Committee.
- 2.4 Inverclyde Council contrary to the aforementioned list has made appropriate appointments to all the relevant prisons. The list suggests that the Council has not made an appointment to the Visiting Committee at Barlinnie Prison. However Councillor Jones was duly appointed to this post on 28 June 2012 and a letter sent to the Scottish Prison Service Headquarters on 2 July 2012 confirming same. The Prison Visiting Committee at Barlinnie has failed at any time to make contact with Councillor Jones and it has therefore been assumed that her services were not required at this time. The Prison Visiting Committee at Barlinnie is made up of 39 Members and currently only has one vacancy.
- 2.5 The Head of Legal & Property Services has written to the Scottish Prison Service Visiting Committee Liaison Officer confirming that the Council has complied with its legal duties by making the appointment referred to above and referring to the letter of 2 July 2012.

### **3.0 RECOMMENDATIONS**

- 3.1 That the statutory change in arrangements which comes into effect on 31 August 2015 removing the Council's responsibility for prison monitoring be noted.

**Fraser Jarvie**  
**Legal & Property Services**

## 4.0 BACKGROUND

- 4.1 It is a statutory requirement in terms of the Prisons (Scotland) Act 1989 for every prison to have a Visiting Committee. The Councils of the prison's catchment area have the duty to appoint appropriate Members to the Prison Visiting Committee. The role of the Visiting Committee has, however, been subject of a review by the Scottish Government and as advised in a previous report on 10 April 2014 a new system of prison monitoring is to be introduced. The government has now confirmed its intention for the new system to come into effect on 31 August 2015 under which responsibility for prison monitoring will be transferred to HM Inspectorate of Prisons in addition to their existing prison inspection function. This means that the responsibility for appointing Visiting Committee members will cease for local authorities and HM Inspectorate of Prisons will appoint independent prison monitors. It will be open to Members of the current Prison Visiting Committees to apply for these posts. In the meantime in light of the uncertainty which has arisen a number of Prison Visiting Committees have experienced vacancies and the Scottish Prison Service has written to all Councils asking that they address this matter as the current situation places an additional burden on the remaining Visiting Committee Members who are endeavouring to maintain an appropriate level of prison monitoring and support for prisoners until 31 August 2015.

## 5.0 IMPLICATIONS

### Finance

- 5.1 There are no financial implications. Visiting Committee Members expenses are met directly by the Scottish Prison Service.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### Legal

- 5.2 The Council currently meets its statutory obligations having made an appointment to fill the vacancy at Barlinnie Prison.

### Human Resources

- 5.3 There are no human resources implications.

### Equalities

- 5.4 Previous positions were publicly advertised to ensure as wide a range of potential applicants as possible and this has a positive benefit in respect of the Council's equality agenda.

### Repopulation

- 5.5 There are no repopulation implications

## **6.0 BACKGROUND PAPERS**

6.1 None.