



SCOTTISH HOME AND HEALTH DEPARTMENT

Report of  
Her Majesty's Chief  
Inspector of Prisons  
for Scotland  
1981

*Presented to Parliament by the Secretary of State for Scotland  
by Command of Her Majesty  
August 1982*

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FOREWORD BY THE RIGHT HON GEORGE YOUNGER MP,  
SECRETARY OF STATE FOR SCOTLAND

This is the first Annual Report of H.M. Chief Inspector of Prisons for Scotland under the new arrangements for inspection of penal establishments announced in the House of Commons on 1st August 1980.

The establishment of an Inspectorate of Prisons, independent of the Prison Service, formed a most important part of the Government's policy that there should be much greater openness about the Prison Service and its establishments. The publication of a number of reports on individual establishments by the Inspectorate has, I am sure, been welcomed by those with an interest in the penal system, what it seeks to do, and how well it functions. This Annual Report carries that process a stage further.

It is gratifying to note that H.M. Chief Inspector records that the Scottish Prison Service has "operated both effectively and efficiently during 1981", and that he had no adverse comments to make regarding the security of establishments.

H.M. Chief Inspector has, however, drawn attention to the unsatisfactory conditions in which most remand and some short-term prisoners are being held. While acknowledging that inmates on remand are afforded their rights, he notes that in most instances they are being denied certain privileges which are provided for in the relevant rules—in particular the privilege of wearing their own clothing; of electing to be employed; and of being supplied at their own expense with full meals. He is also critical of the poor quality of regime and the limited occupational and other facilities for inmates serving short sentences at a number of establishments. H.M. Chief Inspector makes a number of recommendations on these matters in his report.

Action has already been taken in a number of the areas in question arising from the reports on the individual establishments concerned; but I have, nonetheless, asked the Director of the Scottish Prison Service in considering the specific recommendations made in this annual report to give these particular recommendations the most careful consideration to see what more can be done within existing resources to improve the situation. But as H.M. Chief Inspector himself rightly acknowledges, many of the difficulties are attributable to the overcrowding which exists in these establishments and this is a problem which does not lend itself to speedy resolution. In the absence of any reduction in the number of people being placed in custody, the problem can be overcome only by the provision of suitable additional places within the system and this is being made through the prison building programme.

GEORGE YOUNGER

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St Andrew's House  
Edinburgh  
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2 June 1982

TO THE RIGHT HONOURABLE GEORGE YOUNGER, T.D., M.P.  
*Her Majesty's Principal Secretary of State for Scotland*

The Committee of Inquiry into the United Kingdom Prison Services (The May Committee) which reported in October 1979 recommended that "There should be a system of inspection of the prison service distanced as far as may be practicable from the Prison Department". Subsequently the post of Her Majesty's Chief Inspector of Prisons for Scotland was approved and I received the Royal Warrant of appointment dated 29th October 1980. The Inspectorate of Prisons for Scotland commenced operations on the 1st January 1981.

The duties, principles and procedures governing the inspection of Penal Establishments in Scotland are set out in Chapter One of this Report and as required by the terms of paragraph 2 I submit my first annual report.

I have the honour to be  
Sir,  
Your obedient Servant



D. A. P. BARRY, C.B.E.  
*Her Majesty's Chief Inspector of Prisons for Scotland.*

## CHAPTER ONE

### 1.01 Introduction

Prior to the date of commencement of the duties of the Inspectorate discussions took place with senior officials of the Scottish Office, whose very considerable assistance and advice is gratefully acknowledged and without which the task of establishing the new Inspectorate would have been much more difficult. In particular we acknowledge the guidance and co-operation received from Mr A. L. Rennie, C.B., Secretary of the Scottish Home and Health Department; Mr A. K. Forbes, Director, Scottish Prison Service and Mr W. H. Pearce, C.B.E., H.M. Chief Inspector of Prisons, England and Wales. It was with much regret that we learned of the deaths of both Mr Pearce and Mr Forbes in January 1982.

### 1.02 Inspection of Penal Establishments in Scotland

The principles and procedures which H.M. Chief Inspector of Prisons for Scotland will adopt in discharging his responsibilities in relation to prison service establishments and legalised police cells in Scotland, and which the Scottish Office will follow in providing facilities for him and in responding to his recommendations are as follows:

#### *Terms of Reference*

1. H.M. Chief Inspector will report to the Secretary of State for Scotland and will be a member of the Scottish Home and Health Department but he will not be a member of the Prisons Division of that Department nor will he have any responsibility to that Division. He will inspect and report to the Secretary of State on penal establishments and legalised police cells in Scotland, and in particular on:

- (a) conditions in those establishments;
- (b) the treatment of prisoners and other inmates, and the facilities available to them; and
- (c) such other matters as the Secretary of State may direct.

2. The Chief Inspector will conduct regular inspections of individual establishments and he will investigate particular incidents or situations on the Secretary of State's directions, taking account as necessary of the rules and procedures governing the operation of these establishments, Departmental policy and relevant Departmental action. He will submit an annual report, which will be published, and other reports which will be made publicly available when appropriate. He will not be responsible for hearing individual grievances.

#### *Inspections of Establishments*

3. The Chief Inspector's main concern will be with the regular inspection of individual establishments. He will concentrate on such matters as the

morale of staff and prisoners; the quality of the regime; the conditions of the buildings; questions of humanity and propriety; and the general efficiency of the establishment. He will thus concentrate on major issues, leaving matters of administrative detail to be pursued by management by other means. He will not investigate individual grievances on the part of staff or inmates, but will draw attention in his reports to any general pattern of complaint if it seems to him to point to some inadequacy in the management of the establishment. It will not be feasible for inspections of this kind to be unannounced, but the Chief Inspector and members of his team might well make unannounced visits from time to time.

4. Inspections of more general aspects of the work of the prison service will normally be included in the programme of general inspections of establishments, with particular activities or services to be chosen for special attention in the course of those inspections. For this purpose the inspecting team may call for support from specialists in the particular activity being inspected. These might be drawn from outwith the Scottish Prison Service or, if specific prison service experience is needed, from among the Prison Service's own specialists.

5. The Chief Inspector will be responsible for the inspection of legalised police cells and will apply the same considerations to these inspections as to the penal establishments. Arrangements for inspecting legalised police cells will be made directly with the appropriate Chief Constable.

#### *The Inspection Programme*

6. The Chief Inspector will be responsible for drawing up his own inspection programme with advice from his inspection team, subject only to the approval of the Secretary of State. He will, however, have discussed his programme with the Director of the Prison Service before putting it forward, and he will have taken account of any suggestions as to establishments or aspects of the work of the prison service which may deserve special attention, or as to establishments which ought to be spared an inspection at a particular time. He will also have taken account of any expression of Parliamentary or public concern and of comments from such sources as Visiting Committees. The programme will cover both the establishments to be inspected and any more general aspects of the work of the Prison Service which are to be given special attention during the period.

#### *Investigations of Incidents*

7. The presumption will be that major incidents which raise questions about the management of an establishment, or of the service as a whole, will in future be investigated by the Chief Inspector. The decision will however be one for the Secretary of State to take in the light of circumstances at the time, and other methods (i.e. internal inquiries, reference to the police or to the Procurator Fiscal, reference to the Visiting Committees) will continue to be used where appropriate. In particular, investigations will continue to be referred to the police or to the Procurator Fiscal if there is prima facie evidence that a serious criminal offence has been committed.

*Conduct of Inspections and Investigations*

8. The method of conducting inspections or investigating incidents will be a matter for the Chief Inspector himself, advised by his supporting team and subject to directions only from the Secretary of State. Subject to any directions that he might receive from the Secretary of State, the Chief Inspector will be entitled to delegate the conduct of a particular inspection or investigation, or part of an inspection or investigation, to his Deputy or to another member of his team. For routine inspections, he might wish to set out his intentions in the form of a note which would be sent in advance to governors in charge and Prisons Division to help them to prepare for the inspection, perhaps including a description of the ground he will wish to cover and his method of approach. He might also give an indication of any preliminary briefing or information which he would like to receive from Prisons Division before the inspection takes place.

9. The Chief Inspector and members of his inspecting team will be entitled to have access to any part of an establishment; to see any relevant papers or records at the establishment being inspected or at which an incident is being investigated; and to speak to any members of staff or inmates, the latter not necessarily in the presence of an officer. He will not have any formal powers in these matters, but governors and members of staff will have instructions from the Director of the Prison Service to give the inspecting team their full co-operation. Statements made by staff to the Chief Inspector or any member of his inspecting team in the course of an investigation will, in accordance with the existing practice, not be admissible for the purpose of disciplinary proceedings without the agreement of the member of staff concerned and they will be protected from disclosure to the police or the Procurator Fiscal unless ordered to be produced in court.

*Correspondence with Prisoners*

10. The Chief Inspector and his team are not to become an extra channel for the ventilation or investigation of inmates' grievances. An inmate who wishes to write to the Chief Inspector or applies to see an inspector during the course of an inspection will therefore be advised to ventilate any complaints through the normal channels. For the same reason, the Chief Inspector will normally refer any letters written to him from outside a prison to Prisons Division for attention in the normal way. The Chief Inspector will, however, be concerned to ascertain in the course of an inspection whether there is a general pattern of complaint from inmates which might cause concern about the general state of an establishment, and he will pay special attention to the records of complaints made at the establishment and to the procedures for dealing with them. If he finds reasons for concern, he will call attention to them in his report. There will of course be nothing to prevent the Chief Inspector or any member of his team from soliciting evidence from inmates for the purpose of an investigation, or inmates from volunteering it.

*Correspondence with Members of Parliament, Organisations and Members of the Public*

11. The Chief Inspector will not enter into any correspondence about prison conditions or Prison Service policy; such letters will be referred to Prisons

Division and dealt with as appropriate. Letters which relate specifically to the Chief Inspector's own responsibilities—for example, when it comments on or enquires about the conduct of inspections or the content of inspection reports—will be dealt with on their merits. Any letters from Members of Parliament will be answered by Ministers in the usual way.

*Criticism of Staff*

12. The Chief Inspector may from time to time find it necessary to comment critically on the running of an establishment or the handling of an incident. The process by which he comes to that conclusion will be a matter for his own judgement, but natural justice will normally require that:

- (a) adverse allegations of fact should be made known to the responsible member of staff concerned who should be given an opportunity to refute them;
- (b) if the Chief Inspector is minded to express criticism which might become public, he should make this known to the members of staff concerned and similarly give them an opportunity to refute it;
- (c) criticism of professional judgment (e.g. on the part of a medical officer) should not be made unless the Chief Inspector has taken separate professional advice;
- (d) admissions of culpability should not be reported especially if they are likely to prejudice a member of staff's or an inmate's defence in subsequent disciplinary or criminal proceedings. This need not, however, preclude the reporting of a decision that procedures should be changed or that a situation should be handled differently in future.

*Consideration and Publication of Reports*

13. The Secretary of State will normally make reports public in the form in which the Chief Inspector has submitted them. This will apply to the Annual Report and to reports both of routine inspections and of special investigations, provided, in respect of the latter, that publication will not prejudice any criminal investigations or court proceedings. If there is material, for example, on security or personal matters affecting the staff, which the Chief Inspector would want to bring to the Secretary of State's notice but which would not be suitable for publication, he may wish to present it by means of separate letters or confidential annexes. The Secretary of State will, however, retain the discretion not to make a particular report public, or alternatively to issue his own statement drawing on and referring to the report but not reproducing it in full. He might of course be called upon to defend such a decision to Parliament. The Chief Inspector will be free to consult Prisons Division on sections of a draft which he wishes to be checked for accuracy, but he will not offer drafts for comment and he will have complete independence in determining the form and the content of his reports as submitted to the Secretary of State.

*Consideration of Reports*

14. The procedure for considering inspection reports will be as follows:
- (a) The Chief Inspector submits the report to the Secretary of State.

(b) The Secretary of State replies to the Chief Inspector and places a copy of the report, together with a copy of his response, in the Libraries of both Houses of Parliament.

(c) Action proceeds on the recommendations in the report.

15. The annual report and reports of investigations may need special treatment relating to the circumstances at the time.

#### *Right of Reply*

16. Personal criticism of named individuals should not normally appear in a published report but criticism of an establishment or of a service within an establishment may sometimes be taken personally and it will usually be clear to those who know the establishment that a particular individual has some responsibility for the shortcomings criticised. The individual concerned will normally have had an opportunity to refute any unfair criticism under the procedure described in paragraph 12 above, but he may nevertheless want to justify or defend himself after the report has been published. It would then be open to him to express his views orally or in writing to the Director of the Prison Service or to the Chief Inspector, and it would also be open to his staff association to make a public statement on his own account, but in making his own public reply to a report (see paragraph 14 above) the Secretary of State would seek to deal fully with matters of legitimate concern to the local staff.

#### *Liaison with Prisons Division*

17. The Chief Inspector will need to keep in close touch with developments in policy and current events. He will receive copies of all communications issued by Prisons Division to the establishments generally. He will also receive copies of the Annual Reports on Prisons in Scotland and of annual reports by Visiting Committees. Neither the Chief Inspector nor members of his team would be members of or expected to attend Divisional meetings or meetings of the Prison Service Management Group or meetings of Prison Division committees, but there would be regular informal contact. The Director might make it his business to have a regular meeting with the Chief Inspector and his Deputy. The Chief Inspector will of course be entitled to ask Prisons Division for information or background briefing on any matter which is of concern to him.

#### *The Inspecting Team*

18. The Establishment Division of Central Services will arrange to fill Inspector vacancies as they arise, in consultation with the Chief Inspector and with Prisons Division where prison service staff are concerned. Changes in complement will be a matter for the Chief Inspector to consider with M.O. Division of Central Services and the Secretary S.H.H.D.

#### *Visiting Committees*

19. The Chief Inspector will need to keep in regular contact with Visiting Committees for example, by receiving copies of their annual reports and by making a point of meeting the Chairman or the full Committee during the course of an inspection.

### 1.03 Staff of the Inspectorate

With effect from 1st January 1981 the former Inspectorate of Prisons, which reported to the Director of Prisons, ceased to exist and the then Inspector and Assistant Inspector of Prisons accepted the invitation to join the new Inspectorate. Their considerable experience as Governors and Inspectors of penal establishments contributed greatly to the setting-up of the new Inspectorate. The Chief Inspector, whose appointment is on a part-time basis, has been supported by the following full-time staff:

W. Gardner, I.S.O.	Governor Class I H.M. Deputy Chief Inspector of Prisons Retired 1.4.81
A. C. Meikle	Governor Class I H.M. Deputy Chief Inspector of Prisons w.e.f. 2.4.81
W. Gordon	Governor Class III Assistant Inspector of Prisons Retired 14.1.82
J. Bertram	Governor Class III Inspector of Prisons w.e.f. 18.1.82
Personal Secretary	Miss L. M. Moffat w.e.f. 6.2.81

## CHAPTER TWO

**Programme for 1981**

2.01 In preparing the programme of inspections for the first year of the Inspectorate, due consideration was given to the interests of individual establishments and the Prison Service as a whole and it was decided that the resources of the Inspectorate would be fully utilised inspecting all establishments within a period of three years.

2.02 The implementation of the Criminal Justice (Scotland) Act 1980 will result in major changes in the sentencing, treatment and training policies for inmates under 21 years of age. As these are to be introduced in the near future it was decided that these establishments should not be included in the current programme with the exception of H.M. Remand Institution Longriggend.

2.03 The Secretary of State approved the programme of inspection which included the following establishments:

- H.M. Prison Aberdeen
- H.M. Prison Dungavel
- H.M. Prison Edinburgh
- H.M. Prison Inverness
- H.M. Prison Peterhead
- H.M. Remand Institution Longriggend

All the above establishments were inspected and the reports on Aberdeen, Edinburgh and Inverness, including the response of the Secretary of State to the Inspectors' recommendations, were made public on 21st December 1981.

2.04 In approving the programme of inspections the Secretary of State indicated that he would wish the Inspectorate to examine all the facilities at present available to inmates detained on remand. With the exception of H.M. Prisons at Peterhead and Dungavel all the establishments formally inspected provide remand facilities. The Inspectorate also visited and examined the remand facilities at:

- H.M. Prison Barlinnie
- H.M. Institution Cornton Vale
- H.M. Prison Dumfries
- H.M. Prison Perth

A comprehensive assessment of remand facilities in Scottish penal establishments is included in Chapter Four of this report.

2.05 The Inspectorate of Prisons has the duty of inspecting all Legalised Police Cells throughout Scotland and those at Falkirk, Kirkwall and Lerwick were visited for this purpose during the year.

2.06 Informal visits, including one without prior notice, were made to all establishments presently operating, and to the Scottish Prison Service College.

### **Procedures**

2.07 The terms of reference leave the conduct of inspections entirely to the discretion of the Chief Inspector. The following procedures have been well received by Prisons Division and Governors of establishments.

2.08 Immediately following approval of the inspection programme by the Secretary of State all interested parties are advised of the date of inspection of a particular establishment. Governors are informed of the procedures and requirements and invited to advise the Chief Inspector of any particular matters they wish to be examined or discussed. A detailed inspection programme is mutually agreed and forwarded to the Governor in advance of the inspection taking place. Prisons Division and Social Work Services Group supply the Inspectorate with essential background reports.

2.09 On arrival the Governor and senior staff are advised by the Chief Inspector of the purpose and procedures which will apply during the inspection. In addition to examining all areas of the establishment the Inspectors endeavour to meet members of staff and inmates. Suitable arrangements are made to interview representatives of part-time staff and members of official Committees. Members of the Inspectorate are not available to consider complaints from individual members of staff or inmates. Before leaving the establishment the Governor is invited to comment on any matters which the Inspectorate bring to his attention or are likely to draw to the notice of Prisons Division or the Secretary of State.

### **Meetings etc.**

2.10 Regular meetings have taken place with the Director of the Prison Service, and it has become established practice that as soon as possible after a formal inspection the Inspectors meet with the Director and members of the Prison Service Management Group. The purpose of these meetings is twofold. It affords an opportunity first to check the factual content of the Inspectorate's findings and second to make known to the Director matters recommended for action by the Governor, and finally any of a major nature which the Inspectorate might consider necessitates formal recommendations to the Secretary of State. It is important, however, to note that, although the Inspectorate has an advisory function only, matters discussed at these meetings frequently result in action by Prisons Division. This working relationship with the Director and his staff has developed in a manner considered most satisfactory by the Inspectorate without compromising its "distanced" and independent position.

2.11 The Inspectorate has also met with officials of the following:

- The Committee of the Prison Governors (Scotland) Branch of the Society of Civil and Public Servants
- The Executive Committee of the Scottish Prison Officers Association
- Social Work Services Group
- Scottish Education Department
- Scottish Association for the Care and Resettlement of Offenders

2.12 During 1981 members of the Inspectorate met with officials of the Scottish Office, attended the Scottish Prison Governors' Annual Conference and accepted several invitations from Governors of establishments to various activities and functions. A number of meetings were held with the senior staff of H.M. Inspectorate of Prisons for England and Wales and visits were made to a number of English penal establishments. The Chief Inspector was invited to attend the English Prison Governors' Conference at Bournemouth on 3rd November. On a private visit to the Republic of Ireland, the Chief Inspector was afforded facilities to visit Mountjoy Prison in Dublin and of a wide ranging discussion with the Governor and senior staff and a senior member of the Administration. An opportunity was given to examine the remand facilities in that establishment.

## CHAPTER THREE

### General Assessment

3.01 The formulation of administration and inspection procedures has been an ongoing and learning process for the new Inspectorate which has had to identify its role in relation to Prisons Division, penal establishments and legalised police cells. Although it was necessary to reschedule the original programme of work, all the planned inspections were completed within the year. Some unexpected difficulties were experienced with the completion and publication of inspection reports but most of these have been resolved.

3.02 The demands upon penal establishments are determined by other agencies and it is to the credit of management and staff at all levels that the Scottish Prison Service has operated both effectively and efficiently during 1981. Although the year has been relatively free of major or serious incidents it has not been without its problems and where any have been identified in the course of inspections or visits, they have been brought to the attention of the appropriate level of management. The Inspectorate accepts that its role should be, where appropriate, both critical and supportive and matters relative to each of these assessments are contained in the following paragraphs.

3.03 Although the Scottish penal system has not been subjected to overcrowding overall it was at an unacceptable level in the following establishments:

Aberdeen Prison	—Remand Hall
Barlinnie Prison	—Remand Hall
Dumfries Prison	—Adult Remands
Edinburgh Prison	—Remand and Short-Term Halls
Longriggend Remand Institution	—Inmates under 21 years of age
Perth Prison	—Remand and Short-Term Halls

3.04 The problems of inmates detained on remand are dealt with in Chapter Four of this report, but the adverse effects of overcrowding in relation to inmates serving short sentences are considerable and should not be underestimated. The Inspectors found that overcrowding invariably results in a poor quality of regime and limited occupational and other facilities.

3.05 Although due importance continues to be placed upon the need to provide appropriate employment or a useful occupation for inmates, the present recession in outside industry has made it increasingly difficult to attain this objective. The Statutory Rules require that all convicted inmates, who are medically fit, should be gainfully employed and those detained on remand be afforded the opportunity to work if they so wish. The present situation which frustrates the privilege which should be available to remand inmates of choosing to work, and makes it necessary to confine many short-term inmates in their cells for part of the working day, inevitably gives rise to a degree of boredom which many staff consider to be potentially dangerous in relation to the management of some establishments. There is reasonable public expectation that convicted inmates should be required to work, and

should certainly not be spending considerable time in idleness. There is no easy solution to this very complex and difficult management problem but it is of the utmost importance that the best possible use is made of available resources and that greater consideration be given to providing educational and/or occupational facilities as an alternative to confinement to cells.

3.06 In none of our inspections or visits have we observed or had drawn to our attention any matters regarding the condition of buildings which would necessitate consultation with an independent building expert. We were concerned, however, that many Senior Works Officers reported a serious shortage of suitably qualified staff. It was suggested that the difficulties in recruiting discipline officers with appropriate trade skills are due at least in part, to the current pay structure. The importance of completing approved maintenance and decoration schedules cannot be over-emphasised. We have no adverse comments to make regarding the security of establishments.

3.07 Considering the difficult and occasionally dangerous situations which confront some members of the Prison Service the morale of staff was, with the exception of those serving at Longriggend Remand Institution, very good indeed. Senior management were satisfied with the level of discipline among staff and considered their efficiency and willingness to cope with operational problems to be praiseworthy. Although working conditions and facilities for staff are generally satisfactory, improvements are desirable in some areas but the Inspectors were satisfied that Governors and Prisons Division were affording these matters a due level of priority. Prison staff have a dual role which is both difficult and demanding; that of caring for inmates and at the same time paying proper attention to the needs of security; that the majority of staff achieve these objectives is to their credit. Relationships between local management and representatives of the various staff associations are generally satisfactory and supportive. In particular situations staff at all levels have suggested both to local management and to members of the Inspectorate various ways in which the conditions, facilities and regimes currently available to inmates should be improved. We have been impressed by the quality of Staff Training Officers and the training facilities available at establishments and the Scottish Prison Service College.

3.08 The control of inmates is appropriate to the degree of security required in the various establishments. Despite the problems which inevitably arise in overcrowded conditions the morale of the great majority of inmates was satisfactory. Cell sharing, without undue overcrowding is often preferred by inmates, many of whom consider the absence of adequate employment, occupational, educational and recreational facilities to be a more serious deprivation. Most inmates have previous custodial experience and are familiar with the conditions which prevail in penal institutions. This may account for the general acceptance of the circumstances in which they find themselves and the relatively few critical observations offered during informal discussions with members of the Inspectorate. An exception to this was at Edinburgh Prison where members of the general work party—known as the “pool” party—which includes inmates awaiting transfer to other establishments or to other work parties) drew our attention to the conditions of overcrowding and lack of employment or other activities which they considered unfavourable in contrast to the rest of the prison. Governors have advised inmates (and

members of staff) of pending inspections, but many inmates have taken the view that "it had nothing to do with them", probably because of the terms of reference which preclude members of the Inspectorate from considering individual complaints.

3.09 Reception and discharge facilities and procedures have been examined and these are both efficient and effective. We have not always found the Statutory Notices to inmates available in the reception areas and have made appropriate recommendations. Where inspected we have seen discharge procedures to be efficient and undertaken at an hour which permits the earliest travel arrangements from each particular establishment.

3.10 We have been impressed generally with the standard of food although some facilities require improvement and these have been brought to the attention of Prisons Division. There is full appreciation by both Local and Central Management that the quality of food is of high priority.

3.11 The administration within the offices of the establishments we have visited is of a high order and although we received isolated comments regarding poor communications with Headquarters we found no evidence to substantiate any general criticism. We would hope that there might be some study of the improvement of efficiency within the offices of penal establishments which would derive from the provision of modern technological aids and we are encouraged to note that there is in hand a feasibility study on the computerisation of inmate and staff records. The comments we made relative to telex and computer facilities following our inspection of Edinburgh Prison have relevance throughout the system and particularly in the larger establishments. We believe that with such equipment there would be an enhancement of the job satisfaction of those who work in the administration offices and an improvement in the communication system between individual establishments and between establishments and Headquarters, with the added benefit of increased efficiency without increased cost.

3.12 Chaplaincy services are provided by part-time Chaplains representing the Church of Scotland, the Roman Catholic Church and the Episcopal Church in Scotland but inmates of other Christian denominations and of non-Christian sects are able to obtain without any difficulty the services of appropriate representatives of their faith. We are concerned, however, that Chaplains in general appear uncertain of their role and we have discussed with Prisons Division the possibility of holding an annual conference for Prison Chaplains.

3.13 The importance of an educational programme appropriate to the inmate population of each establishment cannot be over-emphasised and the Inspectors have seen ample evidence to confirm that the regimes of adult long-term inmates and under-21 remand establishments benefit from such a facility. The availability of day and evening classes, remedial education and Open University courses has been improved quite significantly in recent years but a further expansion is necessary in certain areas.

3.14 Except at Barlinnie Prison where there are full-time Medical Officers, establishments are staffed by part-time Medical Officers who are supported by trained prison service nursing staff. Adequate surgeries are available with hospital facilities at many of the larger establishments. Consultant Psychiatric

services are available as required. Inmates are transferred to outside hospital when a Medical Officer considers it to be necessary and appropriate. Dental and optical treatment are readily available. Although inmates must inevitably experience the loss of personal privileges while in custody, they are not disadvantaged in the matter of prompt and adequate medical treatment.

3.15 Experienced Social Workers make a valuable contribution to the treatment regime of inmates in custody, particularly in the area of resolving personal and domestic problems. The level of staffing is rather disproportionate throughout the service but the Inspectorate understands that every effort is being made to fill the vacancies which currently exist. A very good working relationship exists between Prison Social Workers and local management and staff but we had our attention drawn to a less than satisfactory relationship between some prison Social Work Units and their respective Regional Authority Social Work Departments.

3.16 Visiting Committees for adult establishments are appointed in accordance with the requirements of the Prison (Scotland) Rules 1952. The local authorities required to appoint members to each Visiting Committee including the minimum number of women to be appointed, are prescribed in the Schedule of the above Rules as amended by the Prison (Scotland) Amendment Rules 1979. Where local authorities do not appoint the required number of women to a Committee the Secretary of State shall appoint women to make up the required number. Members of Visiting Committees representing local authorities are appointed for one year and it has been suggested to the Chief Inspector that this arrangement may result in a lack of continuity of membership of some Committees, though it is usual for a high proportion of members to be re-appointed.

3.17 Visiting Committees are appointed to under-21 establishments by the Secretary of State under Section 31 of the Prison (Scotland) Act 1952 and members are appointed for a period of three years.

3.18 Separate Visiting Committees have not been appointed to Low Moss Prison, Longriggend Remand Unit and the Barlinnie Special Unit, all of which are still the responsibility of the Barlinnie Visiting Committee. We consider this situation generally unsatisfactory. Low Moss Prison was originally a satellite of Barlinnie but now operates as an entirely separate establishment and receives inmates from both Barlinnie and Edinburgh Prisons. We are of the opinion that it should be served by its own Visiting Committee. Longriggend Remand Unit is still technically a satellite of Barlinnie although in practically every respect operating as a quite separate establishment. It is the only establishment within the Scottish Service specifically for the under 21s which does not have a Secretary of State appointed Visiting Committee. We have already recommended that the Secretary of State should take powers to appoint his own Visiting Committee to Longriggend. As far as the Barlinnie Special Unit is concerned we defer consideration of the position regarding the Visiting Committee until after we have inspected the establishment in 1982. We have been obliged to report that the Visiting Committee involvement in both Longriggend and Low Moss has been most unsatisfactory over a considerable period of time. The recently appointed Visiting Committee to Barlinnie has delegated responsibility for Low Moss and Longriggend to sub-committees and both are aware of previous short-comings.

3.19 Generally speaking the Inspectors are satisfied that meetings and visits are properly organised and provide appropriate oversight of establishments and that members also attend as required to adjudicate on offences against discipline as defined in the Rules. Discussions with Visiting Committees and examinations of records confirm a satisfactory level of involvement by many members and it is encouraging to observe the mutual support which exists between Visiting Committees and Governors.

3.20 The May Committee recommended that training should be provided for all members of Visiting Committees and Prisons Divisions have responded by arranging conferences at the Prison Service Training College. These conferences have been welcomed by Chairmen and members who have appreciated the opportunity of exchanging views with colleagues from other establishments and also with officials. We understand that there are in course of preparation explanatory booklets for issue to members of Visiting Committees, one in relation to their general responsibilities and duties and the other setting out guidelines for the adjudications on offences against discipline. The response of Prisons Division to this recommendation is to be commended and we are certain from our discussions with Visiting Committees, is welcomed by members.

3.21 Local Review Committees are responsible for assessing the suitability of inmates for release on licence under section 60 or 61 of the Criminal Justice Act 1967. The Committee includes the Governor of the establishment and members appointed by the Secretary of State. The Chief Inspector met with a number of LRCs and was impressed by their dedication and appreciation of the importance of their deliberations to the large number of inmates eligible for consideration under the parole scheme.

3.22 The purposes of the Training for Freedom Scheme as stated in the Prisons Scotland Report 1977 are "to provide conditions in which an inmate's ability to live in the community can be tested while he is still under sentence and to ease his transition to normal life in the community on his release". Inmates serving a sentence of 3 years or over or an indeterminate sentence (Life Imprisonment or Her Majesty's Pleasure) may be selected to participate in the scheme. The "half-way house" concept originated in Scotland and is currently available at Aberdeen, Edinburgh and Perth Prisons. The operation of the scheme is closely related to the availability of employment in the local community and the current industrial recession has made it difficult to make maximum use of existing facilities. Training for Freedom can, however, also be based on attendance at courses and centres of further education and participation on this basis is not affected by employment conditions. The following table confirms that during 1981 the scheme operated at some 60% of its potential:

	<i>Establishment</i>	<i>No. of Places</i>	<i>Average Population</i>
1.	Aberdeen	8	3
2.	Edinburgh	16	12
3.	Perth	11	7
		<hr/>	<hr/>
		35	22
		<hr/>	<hr/>

In the present industrial climate placements are taken up by inmates serving indeterminate sentences.

The first purpose built TFF hostel for inmates under 21 years of age is under construction at Polmont Institution.

3.23 In the course of inspections and visits Governors, members of staff and inmates commented favourably upon the important contribution made by a number of voluntary agencies. The Prison Visitor Scheme which operates at a number of adult establishments is much appreciated by inmates who avail themselves of the friendship and support of individual visitors. Members of the Woman's Royal Voluntary Service make available canteen facilities for inmates and their visitors. The direct bus service provided by the Scottish Association for the Care and Resettlement of Offenders have considerably improved travelling facilities to a number of establishments. The counselling services made available by representatives of "Gamblers Anonymous" and "Alcoholics Anonymous" and Marriage Guidance Councils are quite well supported by inmates. The provision of "Toy Libraries" for children during visiting periods is a relatively new facility which has been favourably received by inmates' visitors and their children.

## CHAPTER FOUR

**Inmates Detained on Remand**

4.01 In response to the request of the Secretary of State that HM Inspectorate should examine the facilities available to inmates detained on remand, all establishments which detain this category of inmate were visited.

4.02 Inmates are detained on remand for the following reasons:

- (1) Accused persons awaiting trial.
- (2) Convicted offenders on whom the Courts have requested background reports prior to sentence.
- (3) Convicted offenders awaiting sentence.

Although the number of inmates held on remand varies considerably between establishments the daily average population in this category during the period 1976-1980 was in excess of 700.

4.03 Part III of the Prison (Scotland) Rules 1952 includes specific instructions for the detention of inmates on remand which generally accord with the Standard Minimum Rules for the Treatment of Prisoners which are set out in Resolution 73(5) of the Committee of Ministers of the Council of Europe, adopted on 19th January 1973.

4.04 The basic principle that as remand inmates are either technically innocent or are convicted but not yet sentenced to imprisonment, they may reasonably expect a quality of life while in custody which is at least equal to that afforded to convicted inmates, is acknowledged in the present Rules. The Inspectorate is satisfied that all inmates on remand are afforded the rights contained in the various Rules. In some establishments, local circumstances i.e. overcrowding or security considerations, make it impracticable to implement some privileges. The principal privileges affected are those under which the inmate may—

- (1) Wear his own clothing; (Subject to certain conditions).
- (2) Elect to be employed while in custody;
- (3) be supplied at his own expense with full meals. (Subject to certain conditions).

Many Governors and members of staff have expressed genuine concern about the general conditions available to remand inmates. While appreciating the practical difficulties which obtain in some establishments, the Inspectors were concerned to find some evidence of management and staff attitudes frustrating unnecessarily the granting of certain privileges.

4.05 Our assessment of the facilities available to inmates detained on remand is as follows:

Accommodation at Cornton Vale is satisfactory in every respect and at Inverness it is nearly of the same standard. At Aberdeen, Barlinnie and Dumfries it is barely acceptable but at Edinburgh and Perth it is below standard. At Longriggend Remand Institution it is very poor.

Overcrowding is not a problem at Cornton Vale but it occasionally arises at Inverness. At all other establishments the population is permanently in excess of the inmate design capacity.

The general standard of cell furnishings could be improved at most establishments but at Longriggend the situation is quite unacceptable. The standard is so poor that immediate action has been recommended.

The daily regimes at Cornton Vale and Inverness are satisfactory but are poor in all other adult establishments. At Longriggend the regime is quite unacceptable and particularly unsuitable for inmates under 21 years of age.

The privilege of wearing own clothing is available to all remand inmates at Cornton Vale. At most other establishments it is either not practical or discouraged.

The majority of establishments find it impossible to allocate work facilities to remand inmates.

Suitable alternative arrangements are available in lieu of having full meals sent in to establishments but the privilege may be granted in special circumstances.

The regulations governing letters, visits and access to legal representatives are scrupulously observed.

The majority of inmates receive two exercise periods of 30 minutes duration each day. At Dumfries it is limited to one period of approximately 45 minutes and at Longriggend it is frequently impossible to grant the privilege because of inclement weather and the absence of a suitable exercise area within the establishment.

The standard of catering is generally satisfactory and the service of meals is efficient where inmates eat in association in dining halls. In some establishments it is necessary for inmates to eat in their cells and this often results in the denial of the privilege, available to convicted inmates, of exercising a choice of main course at dinner. While appreciating that there may be difficulties in making the privilege available to remand inmates, we are not convinced that these are insuperable. It is undesirable that prisoners within a particular establishment should have different standards of food even if it is limited to the matter of individual choice.

Except at Cornton Vale and Inverness, facilities for activities in association with other inmates are so limited that the majority are required to spend an unacceptable proportion of each day locked in their cells.

4.06 Despite the problems which result from overcrowding and inadequate facilities, prison staff endeavour to carry out their responsibilities with due consideration of the needs of all inmates held on remand. Complying with the requirements of Courts calls for an efficient administration and the office staff responsible for co-ordinating such matters are to be commended. We have been impressed by the general concern of Governors and staff in establishments where it is impossible to provide separate accommodation for remand inmates where the Rules can be applied. In reporting this, however, it is necessary to sound a word of caution. There exists at Longriggend an establishment solely for the purpose of the accommodation of young offenders on remand. Our report on that establishment speaks for itself. The general position relating to the conditions of remand inmates is another indication

of the danger of accepting conditions simply because they have existed for so long.

4.07 We are satisfied that although local management would appear to be taking the right decisions relative to the total establishment there is an underlying opinion that some of the Rules require to be re-examined. It is proper to note that the present Rules were written in 1952 and we would support the view that urgent consideration should be given to their up-dating.

4.08 Although it is not the function of this Inspectorate to examine the overall need to remand so many people in custody, it is proper that we should report that we have found a general concern amongst prison staff at all levels, of the detrimental effects of custody and it is natural therefore that many question the grounds on which custodial remand is ordered. This is particularly so in the case of young people. We found a genuine worry at the potential damage done to young people in a penal setting and at the doubtful necessity of remand in custody for reports which in many cases are already available. It is noted by staff that a substantial number of those remanded in custody did not return with a custodial sentence.

4.09 The Legalised Police Cells at Falkirk, Kirkwall and Lerwick were inspected during 1981 and reports forwarded to the Chief Constables concerned. General standards are good and in many respects better than the remand facilities available in penal establishments. It is important that the regulations relative to inmates detained in L.P.C.s are understood and complied with and we have drawn attention to the importance of medical examination as prescribed in the Prison (Scotland) Rules 1952. We have also expressed concern that there is no statutory authority to appoint Visiting Committees to L.P.C.s.

## *RECOMMENDATIONS*

Within this report the following matters have been identified as requiring special attention and we recommend that:

1. Steps be taken to improve the general conditions in which the majority of remand inmates are detained and to make available the privileges to which they are entitled under the Rules. (Chapter Four)
2. The quality of life for remand inmates while in custody should be improved so that it compares favourably with that of convicted inmates. (Chapter Four)
3. All reasonable action taken to reduce the present level of overcrowding experienced by remand and many short-term inmates. (3.03, 3.04, 3.08, Chapter Four)
4. The negative regimes operating in most remand locations and in some sections for short-term inmates be improved. (3.05, 3.07, Chapter Four)
5. All available facilities and resources be utilised to operate a programme of employment, educational and recreational occupation for inmates presently idle and confined to cells for a substantial proportion of each day. (3.05, 3.07, 3.08, 3.13)
6. Approved building maintenance and decorating schedules be afforded appropriate priority. (3.06)
7. The reported principal cause for the shortage of Works Staff be considered and where possible corrected. (3.07)
8. A Visiting Committee be appointed to Low Moss Prison. (3.18)
9. The Secretary of State appoint a Visiting Committee to Longriggend Remand Institution. (3.18)
10. The needs of Longriggend Remand Institution be considered as a "special case" requiring immediate attention. (Chapter Four)
11. There should be Statutory Provision for the appointment of Visiting Committees to Legalised Police Cells. (4.09)

## *ACKNOWLEDGEMENTS*

It gives me pleasure to record the support and encouragement of my staff. It has been fully appreciated that an Independent Inspectorate must be accepted by the public and Prison Service alike and all have worked tirelessly to this end; sometimes under considerable pressure. It has been apparent also that the Prison Service is prepared to respond to demands which inspections make on establishments and to accept objectively our findings and recommendations.