



SCOTTISH HOME AND HEALTH DEPARTMENT

Report of
Her Majesty's Chief
Inspector of Prisons
for Scotland
1983

*Presented to Parliament by the Secretary of State for Scotland
by Command of Her Majesty
November 1984*

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H.M. CHIEF INSPECTOR OF PRISONS FOR SCOTLAND

ANNUAL REPORT FOR 1983

Foreword by the Secretary of State for Scotland

The third annual report of H.M. Chief Inspector of Prisons for Scotland makes, in Chapter 3, a number of suggestions which will be followed up when resources permit. Some of them call for administrative action which, although clearly desirable, cannot be seen as having a special priority. This applies, for example, to the revision of the Prison (Scotland) Rules 1952 and other rules. It also applies to H.M. Chief Inspector's formal recommendation, in Chapter 4, that Recommendation 11 in his annual report for 1981, relating to the appointment of visiting committees for legalised police cells, should be implemented. The use made of legalised police cells is very limited indeed and the real need is to look at the whole future of legalised police cells. This will be considered in consultation with Chief Constables and police authorities.

Following his consideration of the work of visiting committees (Chapter 2), H.M. Chief Inspector has formally recommended that the appointment arrangements should be reviewed. There is, however, a current research project on visiting committees in Scotland which will be looking at these arrangements and H.M. Chief Inspector's recommendation and comments on visiting committees will be kept in mind when the results of that research are being considered.

The second formal recommendation of H.M. Chief Inspector refers to previous recommendations that visiting committees should be appointed for Low Moss Prison and Longriggend Remand Institution. Consultations with the local authorities on a visiting committee for Low Moss Prison have been completed and steps will shortly be taken to constitute a new visiting committee. The implications of appointing a visiting committee for Longriggend Remand Institution, which has never been an individual institution but operates as an annexe of Barlinnie Prison, are still under consideration. In the meantime, a sub-committee of the Barlinnie Visiting Committee continues to serve Longriggend.

I welcome H.M. Chief Inspector's remarks in Chapter 3 of his report about Glenochil Young Offenders' Institution and Detention Centre. I fully share the views he has expressed about the management and regimes at Glenochil.

GEORGE YOUNGER

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1983

St Andrew's House
Edinburgh
EH1 3DE

17 May 1984

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

I submit this my third Annual Report, having completed a three year cycle of inspections of penal establishments and Legalised Police Cells in Scotland. Mention is made in the Report that in the course of the repeat round of inspections, commencing in 1984, there will be regard to our previous findings. Two formal recommendations are made which relate to Visiting Committee appointments and there is comment on various other matters.

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

1.0. The Work of the Inspectorate

Staff of the Inspectorate

1.01. The staff of the Inspectorate in 1983 was as follows:

A. C. Meikle	Governor Class I H.M. Deputy Chief Inspector of Prisons
J. Drummond	Governor Class I H.M. Deputy Chief Inspector of Prisons
J. S. Bertram	Governor Class III Inspector of Prisons
J. B. Lyall	Senior Executive Officer
Miss L. M. Moffat	Personal Secretary

1.02 Mr A. C. Meikle, previously a Governor in the Scottish Prison Service and Controller (Operations) in Prisons Group of the Scottish Home and Health Department, joined the Inspectorate in April 1981 but ill health led to his early retirement and he left on 5th September 1983 being replaced by Mr Drummond. Mr Meikle's unique qualities proved invaluable in establishing procedures and his counsel was always appreciated.

1.03 Mr Lyall was attached to the Inspectorate as from 3rd October 1983 in order to meet necessary administration needs.

Honours

1.04 In the 1984 New Year's Honours List Mr A. C. Meikle was appointed an Officer of the Civil Division of the Order of the British Empire.

Programme of Inspections

1.05 The programme approved by the Secretary of State was for inspections of the following establishments.

- H.M. Prison and Young Offenders Institution, Dumfries
- H.M. Borstal Institution, Castle Huntly
- H.M. Borstal Institution, Noranside
- H.M. Young Offenders Institution, Friarton
- H.M. Borstal Institution, Polmont
- H.M. Young Offenders Institution and Detention Centre, Glenochil

In addition to undertaking the formal inspections listed above all other establishments were visited at least once.

1.06 It had been decided early in the first year of operation that a 3-year cycle of inspections was appropriate and, in view of the implications for the establishments accommodating those under 21 years of age arising from implementation of Section 45 of the Criminal Justice (Scotland) Act 1980,

these establishments would be inspected in the final year of the programme, by which time it was expected that any necessary changes in roles or regimes would have taken place. Chapter Three deals more fully with this matter.

1.07 Inspection of Legalised Police Cells was completed following which discussions were held with an Assistant Chief Constable of Strathclyde Police and reports were sent to Chief Constables in whose areas Legalised Police Cells are situated. Chapter Four deals with Legalised Police Cells in more detail.

Reports

1.08 Reports published in 1983 were in respect of:

H.M. Prison, Perth

H.M. Prison, Penninghame

H.M. Prison, Low Moss

H.M. Prison and Institution, Cornton Vale

and reports on the following were forwarded to the Secretary of State:

H.M. Prison, Barlinnie

H.M. Prison, Shotts

Meetings etc.

1.09 Regular meetings of the Inspectorate with the Prisons Group of the Scottish Home and Health Department continued and there were informal meetings with 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 and the Prisons Resource Control Review Team.

1.10 Two members of the Inspectorate sat as observers at a meeting of the Scottish Parole Board for Scotland.

1.11 We were particularly pleased to welcome, in July, Sir James Hennessy, H.M. Chief Inspector of Prisons for England and Wales, when he visited several Scottish establishments.

1.12 The Chief Inspector visited H.M. Prison, Holloway and H.M. Youth Custody Centre, Aylesbury, during October and took the opportunity of meeting informally with the Director General of the Prison Service for England and Wales.

CHAPTER TWO

2.0 Visiting Committees

2.01 Although we have in the Annual Reports for 1981 (paragraphs 3.16, 3.17 and 3.18) and 1982 (3.13) reported on matters relative to Visiting Committees, we have only now had the opportunity of meeting with members of all the Visiting Committees appointed to Scottish Penal Establishments.

2.02 Appointments to Visiting Committees:

- (a) Adult Establishments: Appointment of members of Visiting Committees is devolved to those Regional and District Councils designated in the Schedule to The Prison (Scotland) Rules 1952, as amended. Where the membership of a Committee does not include the stipulated minimum number of women the Secretary of State himself makes additional appointments of women members as necessary. Appointments are made annually under Rule 187 of the above Rules.
- (b) Under 21 Establishments: All members of Visiting Committees are appointed directly by the Secretary of State under Section 31(3) of the Prisons (Scotland) Act 1952. Such appointments are for periods not exceeding 3 years and the membership is required to have not less than one-third, with a minimum of 2, women and two members must be justices of the peace.

2.03 Training for members of Visiting Committees was recommended in the report of the Committee of Inquiry into the United Kingdom Prison Services (the "May Report"). This is now provided at the Scottish Prison Service College and organised by Prisons Group. This development is welcomed by members of Visiting Committees and although the courses are reported to be well attended, some Visiting Committees have asked us to note that the programme of courses as arranged has permitted only a small number of their membership to attend and have asked that consideration be given to the provision of training for the remaining members as soon as possible. An important content of this training is the conduct of Disciplinary Hearings. Notes for guidance of members of Visiting Committees have now been issued and are of additional benefit.

2.04 H.M. Prison at Low Moss was an annexe of Barlinnie but is now a separate establishment. The Visiting Committee at Barlinnie, however, still has responsibility for Low Moss and our recommendation that it should have its own Visiting Committee has been accepted by the Secretary of State. Longriggend Remand Unit is still, however, technically an annexe of Barlinnie but is run as a separate establishment under management directly responsible to Prisons Group. Here, our recommendation that the Secretary of State takes powers to appoint a Visiting Committee to the Establishment presents greater difficulty but we hope that this can be overcome without delay. We believe that establishments which are separate and separately managed should have Visiting Committees appointed to each with the exception of Barlinnie Special Unit which we consider can be covered by the Committee at H.M.

Prison Barlinnie. Our formal recommendation, No. 11 of the Report for 1981 is therefore repeated.

2.05 We have given some consideration to the question of the differing methods of appointment. A Visiting Committee is a very important body which has within its duties an inspectorial function, including the hearing of complaints and requests by individual inmates. There is a tendency for inmates, however, to take their complaints elsewhere, including the European Commission of Human Rights. This may be because the Visiting Committee, with its additional disciplinary function, is not always seen as independent.

2.06 In two establishments—Cornton Vale and Dumfries, because both accommodate adults and inmates under 21 years of age, there are two separate Visiting Committees.

2.07 It is essential that there be a high degree of involvement by all members of Visiting Committees and the requirement on local authorities to make appointments to Visiting Committees annually is seen as an obstacle to continuity of membership and should be reviewed.

2.08 It is relevant to note that a number of Visiting Committees for adult establishments fail to comply with the requirement to forward an annual report to the Secretary of State under Rule 202 of The Prison (Scotland) Rules, 1952.

2.09 We formally recommend that the methods of appointing Visiting Committees should be reviewed.

CHAPTER THREE

3.0 General

3.01 It had been hoped when planning the 3-year cycle of inspections that those taking place in 1983 would be of Under 21 establishments already operating under whatever new arrangements might have been required resulting from the implementation of Section 45 of the Criminal Justice (Scotland) Act 1980 which would see the end of Borstal Training as a sentence and some change in the sentence range of those committed to Detention Centres. In the event, implementation did not take place until 15th November 1983, which was the final day of our inspection at Polmont and some 3 weeks before the inspection of Glenochil. It is not any part of our function to examine why it took so long to effect this implementation but suffice to say that in 1981 we were advised that it was most likely to take place some time in 1982, which had been the understanding also throughout the Scottish Prison Service. There seemed an expectation that certain establishments would be affected by changes in intake and regime and some of the consequences of the delay may attract some comment in reports on establishments yet to be published.

3.02 Much public attention had been directed on Glenochil following the death of an inmate on 14th August 1983 and previous deaths at that establishment. The Inspectorate is particularly required to pay regard to matters of public concern and did so in the case of Glenochil. It was not until after we had inspected the establishment that the Sheriff Principal of Tayside, Central and Fife issued his determination following the Fatal Accident Inquiry. Although we have not yet completed our report on Glenochil it is proper that we should say that we are glad to support the findings of the Inquiry and to add that we found Glenochil to be well managed and with a regime devoid of any of the undesirable features which had been alleged at the time. Not least we were impressed by the comments of many inmates who spoke to us quite freely and who did not support the allegations.

3.03 The Rules under which penal establishments are operated are The Prison (Scotland) Rules 1952, The Detention Centre (Scotland) Rules 1960 and The Young Offenders (Scotland) Rules 1965. The latter two are, in principle, adaptations of the Prisons Rules and all three are therefore in concept some 30 years old and in need of updating. Many of the rules are anachronistic and have little relevance to to-day's needs.

3.04 The requirement to allow remand prisoners a 15 minute visit each week day requires to be examined. We suggest that less frequent visits of longer duration would be welcomed by prisoners, their families and by the management and staff.

3.05 Progress on recommendations made in the previous two Annual Reports and in reports on individual establishments continues to be made as far as resource permits. This is a matter to which the Inspectorate will direct its attention during the programme of repeat inspections. The conditions

under which many remand and short term inmates live are still unsatisfactory. Morale of inmates and staff generally appears good.

3.06 The overall condition of buildings is good but it is hoped that certain poor design features observed in newer establishments are not repeated, particularly in the construction of Phase II of Shotts—to be commenced shortly. We are concerned to observe the costly repair and replacement of flat roofs on some of the more modern buildings, and the faulty design of some windows.

3.07 With overcrowding a problem in some prisons we have been concerned to observe the under-use of Penninghame open Prison and Dungavel semi secure Prison. At the close of 1983 there were 56 vacancies out of a total of 224 places in these establishments. By contrast, with the under 21 male population at just under 1,000 at the end of 1983 there were only five vacancies from a total of 225 places at Castle Huntly and Noranside open establishments.

3.08 We were pleased to learn that pay phone facilities, similar to those introduced at Penninghame open Prison in 1978, were extended to Castle Huntly and Noranside open Young Offenders Institutions in late 1983. Such measures are welcomed by staff and social workers as a means, not least, of facilitating contact between inmates and their families and in commending their introduction we would hope for further extension where this may be appropriate.

CHAPTER FOUR

4.0 Legalised Police Cells

4.01 The provision of Legalised Police Cells is peculiar to Scotland and derives historically from the inaccessibility of some of the Courts in outlying districts and Islands.

4.02 Legalised Police Cells are, statutorily, legal prisons, for the detention of prisoners for prescribed short periods before, during or after trial.

4.03 We felt it necessary to complete inspections of all Legalised Police Cells in the same period as all penal establishments and Chief Constables in whose police authority Legalised Police Cells are situated have been advised of any matters requiring attention.

4.04 It is not a function of the Inspectorate to comment on the necessity to retain any of the Legalised Police Cells but it has transpired that the cost of bringing up to an acceptable basic standard some of those inspected and of complying with statutory requirements has resulted in an examination of this matter by some Police Authorities.

4.05 Most Legalised Police Cells comply with requirements but some do not have proper separation of male and female cells, or adequate toilet or exercise facilities. Chief Constables have all been advised that they should consider their responsibility under rules 20 and 26 of The Prison (Scotland) Rules 1952 for the medical examination of those detained in Legalised Police Cells.

4.06 Legalised Police Cells are deemed to be Prisons and should therefore have Visiting Committees appointed to them. This we formally recommended in 1981 and do so again.

CHAPTER FIVE

5.0 Acknowledgements

5.01 At the conclusion of the first cycle of inspections it is appropriate that the Chief Inspector should record his appreciation of the reception and courtesy accorded to him and his team by officials, Governors, staff and the majority of inmates. The Inspectorate has now been firmly established and is seen not only as properly critical when this has been necessary, but also as commendatory and supportive. The credit for this lies not least with members of his own staff who have undertaken their duties objectively, with understanding and a high degree of professionalism.

CHAPTER SIX

6.0 Recommendations

6.01 We recommend a review of the method of appointing Visiting Committees.

6.02 We repeat recommendations Nos 8, 9 and 11 contained in the Annual Report for 1981.