

HM Chief Inspector's Annual Report 2022-23





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HM Inspectorate of Prisons for Scotland

Laid before the Scottish Parliament by the Scottish Ministers

August 2023

SG/2023/175

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1. Introduction



Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland

Foreword by HM Chief Inspector of Prisons for Scotland

“There is no indication that the overcrowding problem will diminish since there is no indication that the numbers in custody will decrease and some that it will increase. There is no new building being undertaken to provide for an increase in capacity.” (Charles Hill, Governor of HMP Edinburgh, 1979)

This is my fifth annual report, and having now inspected all 15 prisons in Scotland, I have been reflecting on those inspections and while some progress has undeniably taken place, several of my recommendations have been made repeatedly.

It is perhaps the nature of inspection that the Scottish Government and the Scottish Prison Service (SPS) see our recommendations in the microcosm and by establishment, instead of as system-wide issues which must be gripped to effect real change and improvement. There is one particular issue that I and my predecessors have consistently reported on: the entrenched issue of overcrowding in Scotland’s prisons. Put simply, we send far too many people to prison for the limited accommodation and resourcing available to achieve rehabilitative change.

I have, however, seen good practice where recommendations have been implemented to the credit of the Scottish Government and the SPS. For example, in HMP Barlinnie, where I was delighted to see that the inhuman small holding cells within the prisoner reception area had finally been removed – a recommendation that had been outstanding since 1994. In the Year of Childhood, we published the findings from an Under 18s prisoner survey. In the SPS response to that we saw a step change in the way young offenders are managed in Scotland.

This year, the women’s Community Custody Units opened their doors with HMP Stirling opening in June 2023. Scandinavian prisons are often cited as the model for best practice, but when these new facilities have fully bedded in Scotland has the potential to lead the way in managing women in custody.

In this reporting year, I have been considering the disparity between such commendable marked improvements which are starkly contrasted by intractable recommendations. During my tenure, I have been keen that HM Inspectorate of Prisons for Scotland (HMIPS) work constructively with decision makers to improve conditions for prisoners and implement much needed reform.

Five years from now, it would be a delight to see the learning and improvements from the children and the female estate applied to the male estate. A root and branch review of practice is required to address the systemic recommendations we consistently repeat. Justice partners have shown us this is possible in a short time on select issues; we must now see this collaborative whole system focus applied across the field.

Over the past decades, there has been increasing emphasis on human rights and a recognition globally of the need for strengthened transparency and independent monitoring of places of detention. Prisons pose unique challenges for the promotion of human dignity, far from public view and containing people who garner little public sympathy; the tensions of balancing safety and

human rights were then exacerbated during a lengthy pandemic. Without scrutiny, it is all too easy for even well-intentioned staff to become subconsciously complacent or start to accept standards that in any other setting would be unacceptable.

In 2023, Scottish prisons are facing the very same problem that Charles Hill identified with overcrowding in 1979, but on an exacerbated scale. Not simply due to the raw numbers, but also because of the increasing complexity of the imprisoned population and the wide-ranging demands that are placed on an already over stretched system. Each of my predecessors found a new form of words to describe this seemingly intractable problem once aptly described as the ‘nine evils of overcrowding’.

“Overcrowding makes everything worse for everyone. Overcrowding certainly makes things worse for prisoners: being locked up in shared cells with sometimes unpleasant, possibly dangerous, strangers for 21 hours out of 24, day after day, month after month, is not likely to promote civilising habits. It makes things worse for prison staff: more prisoners mean less time, more stress, more tension. It makes things worse for society: in overcrowded prisons very little can be done to help prisoners to change their lives. There is always someone ahead of you in the queue for the training you need. As a result, prisoners are released in the same frame of mind in which they entered prison, or worse. That is no way to build a safer Scotland.”
(HMCIPS 2009)

The recent and predicted rise in the prison population seems unlikely to be a temporary spike and there is no obvious relief. This is in contrast to assumptions that have been prevalent in recent years, with many policy and planning processes working on the basis that the population would continue to decrease in volume.

In February 2019, the overall number of people in custody breached 8,000 for the first time since 2013. Estimates are that for the next 12 months the prison population, having reduced during COVID-19, will again exceed 8,000 and likely continue to rise. In some ways, we are where we have been before; even many of the buildings are the same dark and lowering institutions. We must also be aware of hidden overcrowding, where cells only suitable for one person contain two. We see this in a number of establishments which hides the extent to which the estate is overcrowded with prisoners held in cramped surroundings breaching accepted human rights standards.

The reason I and my predecessors have focussed strongly on overcrowding is that it affects every part of the criminal justice system, in particular the risk to the community. If individuals do not have their risks and needs addressed in prison, the rate of recidivism will remain high, and at significant cost to the public purse.

Scotland has a high rate of imprisonment and a rising rate of deaths in prison custody. In November 2021, HMIPS published our [Independent Review of the Response to Deaths in Prison Custody](#) following two years of research. Despite strenuous efforts, deaths in custody remain at a worryingly high level and a key concern for HMIPS.

Few thoughtful commentators would deny that many of the problems we grapple with in the field of criminal justice have their roots and origins in social justice issues. While there has been much thinking and debate on how to reduce the prison population, there has been little discussion on how to manage the changing prison population.

Scotland does not lack a positive vision, but where clarity is lacking is the strategy for tackling numbers beyond capacity whilst also recognising the pressures of changing sub populations. The development of a clear forward-looking policy approach to population management across the Justice estate is essential to move Scotland forward

and ultimately reduce the risk to the community. If current levels of resourcing and population remain static, humane containment will inevitably become the main focus of prisons, barely meeting the requirements set out in [The Vision for Justice in Scotland](#) and the SPS strategies.

Monitoring

I am pleased to say we have a volunteer Independent Prison Monitor (IPM) Team who visit every prison in Scotland. This vital scrutiny helps us fulfil our OPCAT and domestic requirements, but importantly provides an HMIPS presence in establishments on a regular basis, helping to prevent torture and ill treatment. This arm of the organisation also provides intelligence for our inspecting work and informs our strategic thinking.

The IPM's three top concerns centred on prisoner progression; access to healthcare, in particular mental health; and staffing levels impacting on the daily regime. However, the failings of the prison transport provider GEOAmey, and the management of clearly mentally unwell prisoners also generated significant concern.

The opening of the two new women's Community Custody Units has been welcomed and raises the number of establishments we visit to 17. Recognising that the women's strategy has taken a trauma informed and gender specific approach we have developed bespoke monitoring standards to suit.

We are currently working to replace our out of date monitoring IT system to better support the IPMs and allow a much richer ability to data mine. We have also reviewed and improved the monitoring findings reporting structure and the layout of the annual reports.

Inspections

Our four full inspections of prisons this year saw a number of changes, with the embedding of the pre-inspection prisoner survey providing an improved level of quantitative and qualitative

information on which to focus our inspection. However, we have noted that despite many examples of good practice, for example the growth of recovery cafés, use of community hubs, a drop in the use of segregation with young people and greater use of technology to support family contact, the entrenched problems I and my predecessors have identified over recent years have not improved.

The rise in remand, overcrowding, social isolation, an ageing estate, very limited access to purposeful and rehabilitative activity, the backlog in offending behaviour work, alcohol and substance issues, prisoner transport failures and inequitable access to good healthcare remain highly problematic.

I was genuinely concerned to see so many acutely mentally unwell people being held in custody while awaiting inpatient care. There is no doubt that prison staff were doing their best, but we noted they had to cope with profoundly distressed patients who should have been in hospital.

We regularly recommend a whole-systems approach to justice and health, and in that spirit, HMIPS has been closely collaborating with partners in the Mental Welfare Commission for Scotland, Healthcare Improvement Scotland, the Care Inspectorate, and others to complement our understanding of these entrenched mental health issues.

Court custody unit inspections this year also embedded a streamlined approach to reporting our findings, allowing the inspection team to visit a higher number of premises. Inspectors experienced a wide disparity between units, ranging from cells that frequently contained significant graffiti, and in some cases a lack of privacy in using toilet facilities, to modern purpose-built units that in contrast were clean and graffiti free. As mentioned last year, the care by individual staff working in court custody units continued to be impressive where, in a busy and often uninviting subterranean environment, they did their best to make sure custodies were treated with dignity and respect.

The SPS faced two notable contractual challenges this year with HMP Addiewell and the Prisoner Escort Custody Services contract with GEOAmev. GEOAmev experienced significant staffing challenges and we witnessed an inadequate service performance impacting heavily on prisons and prisoners with cancelled hospital appointments, inter-prison transfers, and escorts. Late arrivals into prisons, particularly for young people, added unnecessary pressures. With multiple failures to meet their contractual requirements, the ongoing issues remain deeply concerning.

If prisons are to continue to be an essential component of a successful justice system that is trusted by the public to keep them safe, the ambition must also be to go further. Making sure that Governors, Directors, education providers and the NHS do everything within their power to enhance the likelihood of a crime-free life and reduce the risk to the community on liberation.

To their credit, all these issues are being reviewed to determine the best use of resources within a fiscally challenging environment. A bold and brave transformational justice agenda could allow Scotland to reduce the population, affording the SPS the opportunity to deliver greater rehabilitative opportunities and lead the way again in enlightened justice and penology; with the added possibility of being able to close some of the ageing buildings.

I am hopeful that many of the issues we have raised can be addressed and resolved. Scotland has demonstrated the ability to achieve significant justice reforms in the past. We now need to see the same commitment and focus to drive further reform with innovative thinking that can deliver a justice system Scotland deserves but still within an appropriate funding envelope. However while recognising the difficult fiscal challenges facing the Scottish Government it would be a travesty to see any delay in the arrival of the much needed HMP Glasgow and HMP Highland.

Governors, Directors, GEOAmev, and front line SPS and NHS staff in all places have had a challenging year recovering from COVID-19. I know I speak for all my colleagues in HMIPS in paying tribute to their professionalism, and desire to support those in their care in difficult times. This is even more remarkable when it is recognised that they are dealing daily with some people who are the most difficult, dangerous, and at times highly vulnerable in the country.

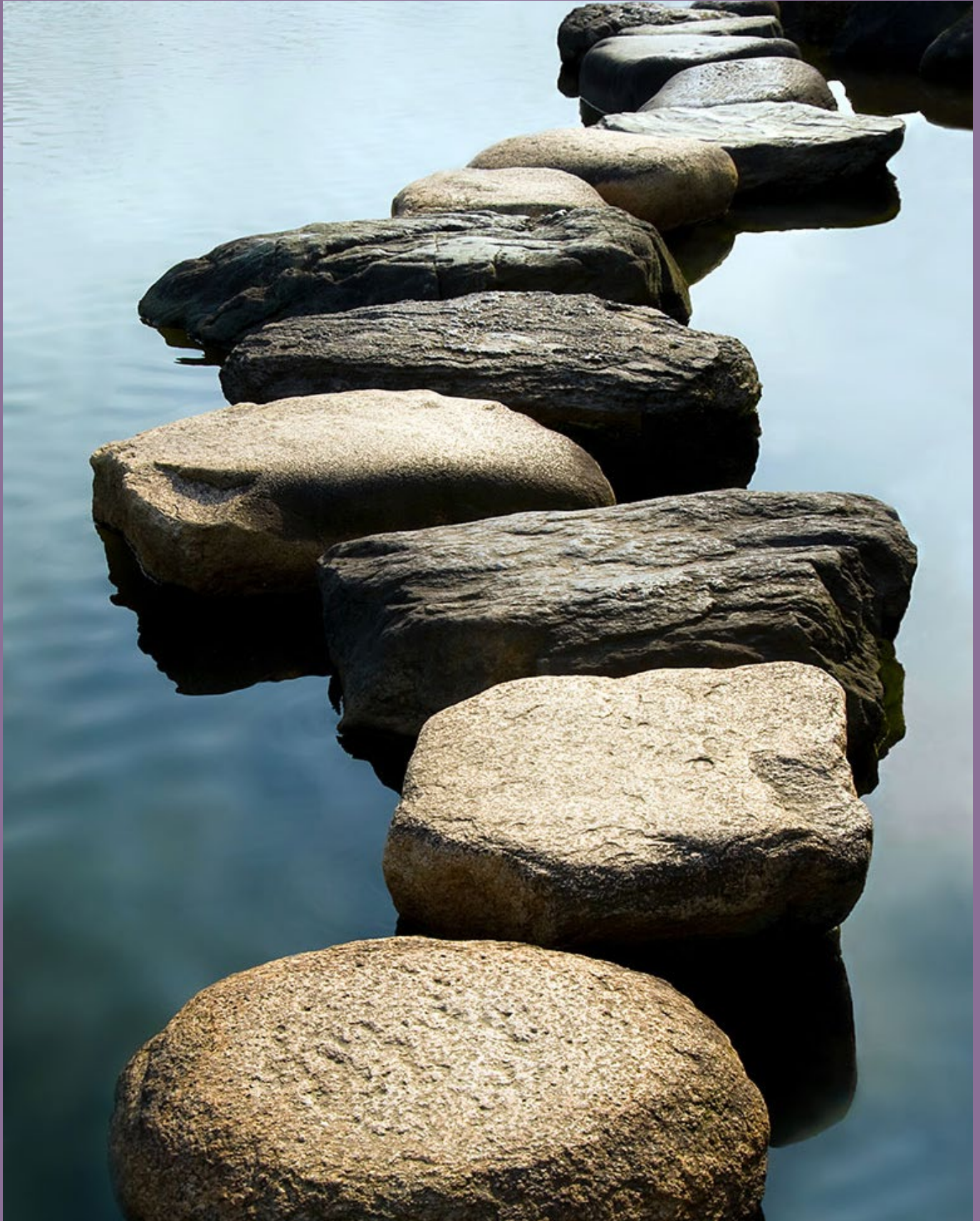
I am also constantly impressed by the commitment and expertise of my team who continue to work with such dedication and professionalism. I would like to take this opportunity to thank all those who contributed to the work of HMIPS during 2022-2023, with particular admiration of course for our wonderful team of volunteer IPMs, volunteers who provide an advisory function to the Prison Expert Group (PEG), all of our guest inspectors from our key partner agencies, and to the Scottish Government, the SPS and NHS for their continued support.

Finally, I would like to pay tribute to the people living in prisons and their families for engaging with us and giving us their welcome insights.

Wendy Sinclair-Gieben

**HM Chief Inspector of Prisons for Scotland,
Chair, UK National Preventive Mechanism**

2. Our Vision, Our Values, our strategic ambition



Our Vision

“ALL PEOPLE IN PLACES OF DETENTION ARE TREATED HUMANELY, WITH DIGNITY AND RESPECT.”

Our Values

We will demonstrate these values in the way that we work together as an organisation and in all of our interactions with our partners.

INDEPENDENCE



We will fulfil our statutory duty to report accurately, impartially and publicly concerning the treatment and conditions for prisoners in Scotland.

INTEGRITY



We will be open and transparent about our inspection and monitoring processes, and ensure our inspection and monitoring reports are accessible when we report publicly on our findings.

TRANSPARENCY



We will demonstrate the highest professional standards of behaviour and build trust with all those we engage with.

RESPECT



We will treat all people we engage with, with dignity, courtesy and respect.

Our Strategic Ambition

“TO BE RECOGNISED GLOBALLY AS LEADING EDGE IN THE SCRUTINY OF HOW PEOPLE IN DETENTION IN SCOTLAND ARE TREATED.”

3. Our Key Partners



Our prison inspection teams comprise HMIPS staff and subject experts from other organisations. HMIPS would like to take this opportunity to thank its key partners for their continued support. Our five key partners are:



Healthcare Improvement Scotland (HIS)

HIS takes lead responsibility for inspecting Standard 9 – Health and Wellbeing. One of the biggest and often most challenging elements of prison inspections is the inspection of prisoner healthcare. Standard 9 was developed in conjunction with HIS and a range of their key stakeholders, and the Quality Indicators under the Standard reflect a human rights approach as well as the Health and Social Care Standards: My support, my life principles and HIS Quality of Care Approach.



Education Scotland

Education Scotland participate in all prison inspections and take lead responsibility for inspecting Standard 6 – Purposeful Activity. This Standard focuses on evaluating how well prisons provide employment, training, and educational activities for prisoners while they serve their sentences and is one of the key differentiators in reducing reoffending. Education Scotland also consider whether prisoners spend their time purposefully and constructively in out of cell activities, including physical education and cultural activities.



Care Inspectorate

The Care Inspectorate take lead responsibility for Standard 7 – Transitions from Custody to Life in the Community. They look at what support is in place in the lead up to people being released, and importantly what support is in place once released, to assist people to reintegrate into the community and become responsible citizens.



Scottish Human Rights Commission (SHRC)

SHRC provide support and expert advice to HMIPS inspectors on human rights issues and may attend an inspection on an intelligence led case where appropriate. In addition, they chair the UK National Preventive Mechanism Scottish Subgroup.



Children & Young People's Commissioner Scotland (CYPCS)

The Children & Young People's Commissioner Scotland promotes and safeguards the human rights of children and young people under 18, or up to 21 if they have care experience. During prison inspections where establishments hold prisoners under the age of 18, the office of the Children & Young People's Commissioner are invited to review the prison against international human rights standards. Their findings are incorporated into the HMIPS final report.

4. The year in brief



Summary of work undertaken



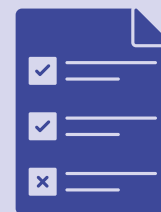
7

court custody unit inspections



1,102

IPM visits/calls



1,037

prisoner requests



4

full prison inspections



4

evidence sessions provided to Scottish Parliament



3

FOIs

4

thematic reviews in collaboration with key stakeholders

- Progression
- Segregation (published)
- Diversion from Prosecution (published)
- Control and Restraint Assurance for the Cabinet Secretary



2

provided evidence to two public inquiries



responded to Government Consultations on the Children Care and Justice proposed bill and the Bail and Release proposed bill

The National Preventive Mechanism

The UK National Preventive Mechanism (NPM) was established in 2009 following the United Kingdom ratification of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). HMIPS is one of 21 members that make up this consortium-based organisation, each contributing to fulfilling the mandate of OPCAT. The NPM also acts as a conduit for national bodies to the international framework – offering international best practice advice to scrutiny bodies and liaising with the European Committee for the Prevention of Torture (CPT) and the Sub committee on the Prevention of Torture (SPT).

All inspections carried out by HMIPS contribute to the UK's response to its international obligations under OPCAT.

HMCIPS is the Chair of the UK NPM and is leading an ambitious two-year strategy to embed the preventive approach to scrutiny, including developing training and resources for the 21 members with circa 3,500 people carrying out the NPM mandate.

As well as being part of the wider NPM, HMIPS is also one of six members that make up the NPM Scottish Sub Group, which meets to discuss Scotland specific issues. The group made a joint submission to a Scottish Government consultation on changes to custody arrangements and bail. This was submitted in consultation with a number of key stakeholders and gave the NPM and HMIPS the opportunity to strongly advocate our view.

Our former HMIPS human rights lead was successful in taking up the post of NPM lead for the UK and has delivered many talks to countries hoping to develop an NPM using the UK experience.

HMIPS values the collaborative working amongst the members and in particular the work to address the systemic issues seen across all four nations which are now captured in the NPM strategy.

HMIPS echoes the four NPM vision statements in their rights based approach to monitoring and inspection.

1. Detainee Focused

- The treatment and conditions of detainees will always be the core of our work.

2. Independence

- We are independent of government and external influence. We are impartial, balanced and without bias.

3. Human Rights

- We are a human rights organisation and human rights experts. Our parent treaty is the UN Convention against Torture, but we recognise human rights are interconnected and as such all human rights are relevant to our work.

4. Collaboration

- We work collaboratively with each other, sharing expertise and good practice.
- We work collaboratively with civil society and external partners to broaden our perspective and help fulfil our objectives.

5. Scrutiny



Inspection Key Findings and Inspection and Monitoring Themes

HMIPS inspected four prisons and seven court custody units in this reporting year. Here is a summary of our key findings from each of these inspections, followed by consistent themes found during inspection and monitoring activity this year.

Key findings from full prison inspections

HMP Castle Huntly

HMP Castle Huntly provides an important and distinctive function as the only open prison in Scotland. The prison operates with a clear ethos and purpose, preparing low-risk prisoners for release. With a significant number of freedoms that do not exist in the rest of Scotland's prisons, prisoners held in HMP Castle Huntly have greater access to the community, can have periods of home release, are able to walk around the estate with few limitations, and are more responsible for their own day to day lives.

Inspectors found the prison to have good staff/prisoner relationships, strong leadership, and robust relationships with the community.

A human rights-based approach means that where an individual is assessed to demonstrate a low risk to the community, they should have various freedoms and opportunities restored. States also have a duty to prepare prisoners for release and assist them in their reintegration to the community. The existence of an open prison fulfils this human rights obligation and additionally allows prisoners held in closed conditions to have something to strive for in their rehabilitative journey. With this in mind, HMP Castle Huntly should be a flagship establishment of the SPS.

In many ways, our inspection found HMP Castle Huntly to be fulfilling this promise, but unfortunately, the establishment is significantly underutilised, with a population under half of its design capacity. With numbers so low, the establishment is unable to offer and support as many community placements as possible and opportunities, since prisoners are needed for the effective running of the prison. This negatively impacts the rehabilitative effect the establishment has. Some ameliorating solutions need to be explored; for example, the provision of self care as opposed to the traditional model of a kitchen and laundry, use of digital platforms, access to personal vehicles and mobile phones, etc.

HMIPS are conducting a thematic review into progression. While not prejudging the findings of this review, the Inspectorate must highlight the disappointing underuse of HMP Castle Huntly. The SPS therefore has a stark choice. It can either continue running an underutilised and therefore expensive prison or unblock the barriers to progression to ensure more effective use is made of the benefits of the facility. A more radical alternative would be to consider closure and affording other prisons the opportunity to run a more open regime, in tandem with a closed regime for those prisoners due to be liberated. That might provide open conditions across a wider area of Scotland, but it would be hard to replicate the inspiring and restorative tranquillity of HMP Castle Huntly.

HMP Addiewell

HMP Addiewell was an unusual mix of leading edge approaches contrasted with a real concern that the establishment's significant and enduring challenges were impacting the safety and security of the prison.

It was extremely disappointing to find that many of the same issues we reported on when we last inspected HMP Addiewell, had not been resolved. Despite significant efforts by management, the lack of experienced staff remained a critical concern.

Residential areas remained chronically under-resourced, in both staff numbers and experience, to deal effectively with the considerable daily challenge of managing a complex population, ensuring safety, managing the contract requirements, and responding to incidents.

Feedback from prisoners via our pre-inspection prisoner survey painted a deeply troubling picture about safety, staff attitudes and access to crucial services. Only 29% of prisoners said they felt safe all or most of the time. Sixty per cent of prisoners said they had witnessed staff abusing, threatening, bullying, or assaulting another prisoner and 40% of prisoners said they had been abused, threatened, bullied, or assaulted by staff themselves. Eighty four per cent of prisoners said it was quite difficult or very difficult to access the prison GP and 69% said it was difficult to access a nurse. Similarly, 75% said it was quite difficult or very difficult to access mental healthcare. Almost half of all prisoners said it was difficult to access education.

Regrettably, we found many of these concerns appeared justified, particularly in relation to safety. The scope for protection prisoners to encounter mainstream prisoners and the lack of experienced staff on residential wings, particularly if staff had to respond to incidents elsewhere, was disturbing. While the prison had plans in place to recruit more staff, and was investing in mentoring support for new staff, this had not come to fruition when we made a return visit in January 2023.

Although we observed several dedicated staff in different areas of the prison responding in a highly professional, respectful, and caring way, sometimes in challenging circumstances, we also witnessed a few examples of unprofessional and disrespectful behaviour by staff towards prisoners. Cleanliness was noticeably poor in many of the residential areas, compounded by a lack of control of the cleaning equipment. While the prison could boast some excellent facilities in the Learning Academy more could be done to encourage participation and in a repeat of our 2018 recommendation, the contract needs revised

to encourage a greater focus on participation rates rather than the opportunities provided for learning.

The prison was unquestionably leading edge within the Scottish prison system in terms of its use of technology, with for example in cell technology and body worn video cameras. We highly commend their visionary enthusiasm and commitment to press ahead with these technological developments and hope to see them replicated across the estate. The use of Insiders or peer mentors across the prison but particularly at reception and in the early days of admission to the prison was also an excellent initiative.

Other examples of good practice that deserve recognition include staff wearing less formal dress in reception, the Early Days Centre, the emerging Recovery Centre, the commitment to restorative practices, and the range of support activities provided by the Chaplaincy Team. The Learning Academy provided good quality supportive learning in a relaxed, safe, and effective learning environment. Within family visits, trauma informed Cyrenians workers attended all family sessions, facilitating play and offering support to families and prisoners. The Recovery Café and the establishment of strong partnerships with local partners to support prisoners with addiction issues in the prison and back into the community was commendable.

We praised healthcare staff for their unfailing dedicated commitment to their roles in extremely difficult circumstances and there were several aspects of good practice. However, the number of vacancies in the team was impacting significantly on their ability to provide an effective service, therefore it was assessed as poor, with several aspects compromising patient outcomes and safety.

In conclusion, HMP Addiewell remains a frustrating conundrum. It is ahead of its SPS counterparts in embracing the potential of digital technology and shows commendable drive and commitment to

embed new approaches such as the Early Days Centre and the use of 'Insider' peer mentors, but it struggles to provide the basics of a safe controlled environment. Until the enduring recruitment and retention issues are fully resolved, and the prison can secure and retain sufficient experienced staff in all residential areas there will continue to be an unacceptable risk to the safety of those in their care and a risk of continuing periods of instability.

HMP Inverness

HMP Inverness was a small Victorian prison and plans for a replacement prison were well advanced. If this were not the case, this report would more vociferously highlight concerns about the infrastructure of HMP Inverness. The current facility is ill-suited to the requirements of a modern prison system, not least regarding the lack of accessible cells. It is hoped that development of the new prison is not inhibited by the budgetary pressures facing the SPS, as any slippage with the construction of the replacement prison would be deeply troubling.

Staff/prisoner relationships were always friendly, respectful, and supportive. There was a strong management team and a strong staff group, with positive relationships between them and with their partner agencies.

The elements where good practice and determined efforts to promote a transformational agenda really stood out, included development of a new Recovery Wing, with a SMART recovery programme close to being embedded at the time of our inspection. It was also encouraging to see action had been taken to refurbish the holding cells and agree a protocol whereby anyone requiring to be held for longer than 72 hours would be transferred to a more appropriate Separation and Reintegration Unit setting. Another clear strength was the collaborative working between partners on community reintegration planning. In particular, use of the new "my compass" outcome tracking tool should provide valuable feedback for individuals as well as for the prison and community

partners on the effectiveness of the support provided.

We fully understand that local management will be focussed on planning for the new prison, but we nevertheless highlight a number of areas where improvements are needed to the existing prison and some modest additional investment is required to existing facilities. The lack of privacy afforded to prisoners being searched in reception must be addressed, alongside the inadequate privacy offered to those showering through saloon doors that do not close fully. In a similar vein there were not enough places in the Links Centre where confidential conversations could take place. Some cells being used as doubles were too small for double occupancy and breached international standards on minimum space dimensions. Although we found the prison safe and our prisoner survey suggested most prisoners felt safe, the lack of cameras in residential areas was an impediment to maintaining safety and security. The visits room was cold and uninviting. It is recognised that only limited investment on this is practicable, but some further efforts to make the visits room more attractive, particularly to children, would be appropriate. In some ways more concerning was the lack of availability of evening visits, which was a major barrier to family contact.

It was also disturbing to hear those prisoners arriving at the prison between 5.30 pm and 6.30pm were having to wait inside a prison van until the staff break had finished. Staff shortages and a return to the core day were impacting on the ability to run a full regime, but we would still like to see more pace in the return to pre-pandemic norms. The prison based social work team was struggling with staffing shortages and changes in personnel; Highland Council and the SPS need to work together to ensure the team is better supported.

The Learning Centre provided a bright and welcoming environment for prisoners to engage in learning, but uptake was low, with a limited range

of subjects. Stronger efforts are needed to engage new learners. Prisoners were positive about access to healthcare staff and services, and inspectors found a committed NHS healthcare team keen to provide a good service. However, the healthcare team are strongly encouraged to develop more robust systems and processes that can support accountability and assurance around managing patient care, including long term conditions, pharmacy provision, links to drug and alcohol services, and infection control. To ensure a smooth transition to HMP Highland we urge the SPS to recruit additional staff well ahead of the planned opening and provide opportunities for staff in HMP Inverness, who have only ever known an old Victorian prison, to gain experience of working in a modern prison on temporary detached duty to HMP YOI Grampian.

HMP Shotts

Like the rest of the SPS, HMP Shotts had faced significant challenges over the last few years from the global pandemic. Staff shortages were evident across the establishment with healthcare delivery, access to employment, staff training, staff and prisoner engagement, and evening activities detrimentally impacted. This was compounded by a period of significant incidents prior to the inspection, mostly substance-related, that had affected the confidence of the prison. The national introduction of photocopying of prisoner mail, however, has led to a clear and welcome reduction in drug-related incidents, and prisoners also reported they felt safer.

HMP Shotts is the first public sector prison in Scotland to install a digital 'kiosk' system. The kiosk reduces administrative burdens for staff and enables prisoners to exercise control and independence by making requests electronically, for example choosing their meals. HMIPS welcomes this initiative and looks forward to seeing this innovation extended into the cellular accommodation and rolled out across the estate.

HMP Shotts houses the National Integration Centre, which holds approximately 60 adult male offenders who are in the initial stages of a long or life sentence and prepares them for eventual movement to mainstream prisons. We saw evidence of constructive relationships between prisoners and staff. As in the 2017 report, it was encouraging to see the operation of a Personal Officer scheme at its best. Despite staffing constraints, HMP Shotts are to be commended for increasing the offending behaviour programme delivery during COVID-19 and for the resumption of education and chaplaincy activities. We would nevertheless now strongly urge the early resumption of a return to a full regime.

Unfortunately, the significant and sustained pressures on healthcare staff and the detrimental impact on patient care resulted in a grading of 'Poor' for NHS Lanarkshire, but we nevertheless recognise the considerable efforts made in difficult circumstances by healthcare staff within HMP Shotts and the North Lanarkshire Health and Social Care Partnership to support the healthcare needs of patients in HMP Shotts.

The waiting list for prisoners to progress to the National Top End meant prisoners were delayed in progressing through their sentence. This problem is not exclusive to HMP Shotts and must be addressed by the SPS with a matter of urgency. Echoing the 2017 inspection report, we were concerned that long term prisoners were released back into the community from HMP Shotts without any formal opportunity to develop key life skills as part of preparation for release during their sentence.

We were concerned that the Senior Management Team and a number of other management posts had been occupied on a temporary promotion basis for over two years; this was not conducive to stability and longer term planning, so we urge the SPS to secure some more permanent arrangements as soon as possible.

Key findings from Court Custody Unit (CCU) full inspections

Introduction

During this reporting period, seven inspections took place with five of the most northerly CCUs including Wick and Tain.

From August 2022 a new reporting format was approved by HM Chief Inspector of Prisons for Scotland (HMCIPS), accompanied by a change to the management of recommendations to permit the introduction of both recommendations and advisories. The new format provided the documentation of inspection findings in a more streamlined and efficient way, and for an inspection to be carried out and the report completed within one or two days, considerably reducing the overall processing time. Creating an advisory category in reports reduced the number of recommendations and in turn made them more relevant.

Key Findings

The majority of the CCUs inspected required a degree of cosmetic work, most cells and cell doors required painting to cover graffiti and some of the older buildings were unable to provide adequate access for those with disabilities. For a number of years, HMIPS have made recommendations that the male toilets in Glasgow Sheriff Court are fitted with doors to provide a degree of privacy to the user. To date this has not been addressed and HMIPS hope that the recommendation will be met during the next reporting year.

HMIPS continued to find a low number of video courts taking place throughout Scotland, particularly for those cases where distance or vulnerability was an issue. Long travelling times and the number of custodies who were subjected to long periods in prisoner transport were still high. They were mostly either attending CCUs for very short appearances in court or sometimes

despite the travel, were not required at all. HMIPS strongly supports key agencies including Police Scotland, Crown Office and Procurator Fiscal Service, and Scottish Courts and Tribunal Service, continuing to work with the SPS and GEOAmev to develop information flows that will improve scheduling and the phased management of custodies, to reduce unnecessary transport and court custody use.

During the next reporting year HMIPS intend to visit more of the outlying CCUs, including the Scottish islands. This will bring us close to visiting all of Scotland's 48 CCUs during the current HMCIPS tenure.

Consistent Themes found during Inspection and Monitoring this year

A number of consistent themes came out of our four full prison inspections and prison monitoring activity during the year. These were:

COVID-19 Impact

The SPS faced significant challenges during the pandemic and some of the effects continue to impact establishments. Staff shortages were evident across establishments with healthcare delivery, access to employment, staff training, staff and prisoner engagement and evening activities detrimentally impacted. SPS and NHS staff shortages were one of the top key concerns for IPMs.

Restricted Regimes

The prison regime was extremely limited during COVID-19 and time out of cell was a key concern, with too many prisoners locked up for more than 20 hours a day. Some establishments have still to return to pre COVID-19 level of activities and HMIPS strongly urge the early resumption of a return to a full purposeful regime across all establishments and all cohorts.

Prisoner Safety

With the exception of HMP Addiewell, in general prisons came across as being largely calm and orderly. Prisoners repeatedly reported feeling safe and staff prisoner relationships as positive. The national introduction of photocopying of prisoner mail led to an initial clear and welcome reduction in drug-related incidents; however, toward the end of the reporting year, new methods of delivering contraband saw a reversal of the trend.

Prisoners held on Remand

The pandemic saw an increase in the length of time someone can be held on remand, with some individuals being held as long in prison as those held on sentences. Prison rules provide less requirement or incentive to offer purposeful and rehabilitative activity to remands than is offered to convicted prisoners. That in turn can mean longer periods locked up behind a cell door and a greater risk of the detrimental effect of isolation, in addition to the risks to the security of employment and housing that are inherent for anyone facing a lengthy period on remand. Those on remand may therefore suffer even if they are ultimately acquitted.

Healthcare Staffing

There is a real and imminent concern regarding the lack of safe staffing levels across Scotland's prisons. The root cause is a shortfall in staffing across the Nursing and Medical professions. We established that there were challenges in both recruiting and retaining staff nationally. Additionally, there is a high level of absence within the current workforce. Monitors and Inspectors have identified several concerns from increased wait times, lack of communication with patients and inconsistencies in the issuing and administration of prescription drugs. The issues have been escalated and published in both monitoring and inspection reports. Health centre staff must be commended for their hard work and commitment during these challenging times to ensure the best possible care is provided to their patients.

From the full inspections carried in 2022-23 three prisons required formal escalation for healthcare to the Chief Executives of the health board and triggered subsequent revisits by HMIPS and HIS: HMPs Shotts, Inverness and Addiewell.

Transport

Both monitoring and inspection continually identified deep concerns with the prison transport arrangements provided by GEOAmev, particularly around cancelled healthcare appointments and subsequently inter-prison transfers. This has been raised repeatedly by HMIPS as a matter of profound concern with the Cabinet Secretary for Justice and the SPS.

Data around missed appointments is collated by healthcare teams and provided to quarterly meetings of the national Scottish Health in Custody Network Oversight Board, which is chaired by a Chief Executive of an NHS Board, and is accountable to the NHS Chief Executives Group, Chief Officers of Integration Joint Boards, and the Scottish Government. HMCIPS sits on the board.

On 17 November 2022, several senior members of staff responsible for healthcare in prisons across Scotland reported a significant issue around prisoner transport provided by GEOAmev at a national meeting attended by the National Prisons Pharmacy Adviser within HIS. The issues included failure to transport prisoners to appointments and gave examples which demonstrated significant impact on the prisoners affected. This was escalated to HMCIPS.

On 1 December 2022, a further significant issue around prisoner access to healthcare was reported by healthcare staff at HMP Barlinnie. This related to a deeply concerning incident at HMP Barlinnie whereby two secondary care appointments for the same individual had been missed because of prison escort/transport issues and the impact of this on the individual. The detailing of the incident included correspondence from a Consultant Haematologist to the medical lead in HMP Barlinnie. The HIS inspectors were notified, who

requested further details of the issue and promptly escalated the concern through HIS governance structure and to HMCIPS.

Family Contact

The continuation in use of virtual visit technology, introduced during the pandemic, is very much welcomed and feedback from prisoners using the service has been extremely good. It is particularly welcomed by those whose families live in a different area of Scotland, the UK, or abroad. The installation of hard-wired in-cell prisoner telephony to replace mobile phones will also be welcomed. However, we remained concerned that some establishments do not provide family visits in the evening, thereby inhibiting access to family members who work during the day and school children.

Purposeful Activity

Employment and Work Opportunities

Overall, prison staff ensured convicted prisoners who chose to work had access to sufficient work opportunities. However, staff absence had a negative impact on the staffing of work parties and therefore access by prisoners. The cancellation of work parties was common across most prisons during the pandemic and has continued. In some prisons, there were insufficient work parties available for those prisoners who wished to engage, and more popular work parties often involved waiting lists. A greater focus on work party experience that could lead to employment, including the wider use of first aid, food hygiene, and construction safety qualifications was recommended as this would support prisoners who were nearing release. Overall, opportunities for prisoners to access and undertake vocational qualifications were limited in most prisons. This was particularly true for remand prisoners, and with almost 30% of the population during the reporting year being held on remand, many for lengthy periods, this was a cause for concern.

Educational Opportunities

The quality of learning, teaching and assessment was of a good standard in almost all prisons and educational opportunities were offered for all prisoner groups. However, uptake of education by prisoners was variable and there were limited opportunities for prisoners to gain individual guidance and support or access to peer mentoring. In almost all the prisons the assessment and monitoring of prisoners with additional support needs was limited and did not meet learner needs.

Broadband connectivity continued to affect ICT core skills provision in most prisons, and in some cases prevented the digital upskilling of prisoners, which in turn impacts negatively on their life skills on release. Art and Media classes remained popular with prisoners, some of whom won competitions in the Koestler Awards. Cultural events and access to gym facilities were mostly paused during the pandemic, but these were gradually being reintroduced across all prisons inspected. Prison libraries were generally well stocked and had a wide range of resources available for prisoners. However, the resources available for prisoners whose first language was not English were insufficient.

Progression

IPMs continued to receive multiple requests from prisoners regarding perceived barriers to progression, notably the backlog of offending behaviour programmes, hold-ups in temporary release applications and general queries related to risk management decisions and integrated case management processes.

HMIPS in conjunction with the Care Inspectorate, Community Justice Scotland, and the Risk Management Authority is carrying out a thematic review on progression. The emerging findings of the review indicate that the SPS and partners had robust policies and underpinning guidance in place but that the rhetoric did not translate into an effective reality, where resource, knowledge and

expertise was deemed lacking across the spectrum and prisoner progression was adversely impacted. We expect to complete the review late in 2023.

Pre-release Planning and Support

Where making and implementing plans for release was working well, there was good collaboration between prison based and community based staff across agencies and services. In HMP Inverness this collaboration was evident in the 'Community Integration Plan' project.

Equally important was the relationship prisoners had with key staff, including for some their personal officers. In HMP Castle Huntly the personal officers had a significant and meaningful role in supporting prisoners with their plans for transition back to the community.

Across the establishments there was a shared understanding of the impact of alcohol and drug use on individual prisoners. At HMP Castle Huntly they were determined to assess and stabilise prisoners prior to community access. Across all establishments there was a growing knowledge of 'recovery' groups to support prisoners. In HMPs Inverness and Addiewell there were clear connections with community based recovery groups which would be accessible for prisoners on release. In HMP Addiewell these groups were an embedded part of the offer to prisoners looking for support.

However, not all prisoners were getting the support they needed for returning to the community. For some the number of services coming into the prison had reduced since the pandemic and their profile among staff and prisoners had diminished. This had adversely affected access to advice related to money, housing, and employment. This also meant that, for some prisoners, they had insufficient information about support groups and other interventions.

The confidence prisoners had in relation to their plans for release was affected by their engagement in planning processes. The role of the personal officer is not fully developed in all establishments, and this meant that they were not always playing a full part in engaging and motivating prisoners to participate. This lack of engagement meant that prisoners were not effectively having their views heard in integrated case management meetings and other planning processes.

Gathering information about outcomes for prisoners leaving all establishments was a challenge, impacted by consent and rights issues. In the absence of this information, it was difficult for establishments to know about the effectiveness of their approach to pre-release planning. There was also at times a lack of curiosity about the impact of interventions delivered within establishments preparing them for release and minimal evidence of quality assurance processes.

Advocacy Services

IPMs frequently received requests from prisoners for assistance with resolving individual complaints or supporting the prisoner at a disciplinary ('Orderly Room') hearing or in a case conference. IPMs are not trained to act as personal advocates; a role which would be much better performed by dedicated advocacy services with trained staff. Moreover, the number of requests received can at times overwhelm IPM efforts to monitor and observe conditions and treatment more generally across the prison. Given the vulnerability of this group of people in society, we therefore encourage the Scottish Government and the SPS to ensure that advocacy services are available in all prisons.

Advances in IT

HMP Addiewell was unquestionably leading edge within the Scottish prison system in terms of its use of technology, with for example in-cell technology and body-worn video cameras. We highly commend their visionary enthusiasm and commitment to press ahead with these

technological developments and hope to see them replicated across the estate.

HMP Shotts was the first public sector prison in Scotland to install a digital 'kiosk' system. The kiosk reduces administrative burdens for staff and enables prisoners to exercise control and independence by making requests electronically, for example choosing their meals. HMIPS welcomes this initiative and looks forward to seeing this innovation extended into the cellular accommodation and rolled out across the SPS estate.

Equality and Diversity

Work needs to be done across the Scottish prison estate to re-energise the Equality and Diversity (E&D) agenda, including regular meetings of E&D committees with prisoner representation, development of E&D action plans, more systematic monitoring of data to avoid unintentional bias with employment, education and discipline, etc, and provide comprehensive training for E&D staff and managers,

SPS HQ should encourage reconvening of the national network of E&D managers and work with the network to consider if further specialist training for E&D managers would be helpful.

Thematic Reviews

Progression

The purpose of the SPS Risk Management, Progression & Temporary Release Policy is to suitably prepare and test individuals for progression and access or return to the community. The largest number of complaints from prisoners and concerns raised by IPMs have been surrounding progression.

A thematic review was commenced and is led by HMIPS but involves other agencies such as Community Justice Scotland, the Care Inspectorate, the Risk Management Authority, and the Parole Board for Scotland. It is a detailed

examination of operational practice, as well as the strategic leadership and partnership arrangements that support and underpin this policy. On present plans the review will publish in Autumn 2023.

Emerging findings indicate that the current system has clear failings and the level of knowledge and expertise in delivering satisfactory and timely prisoner outcomes is patchy and inconsistent.

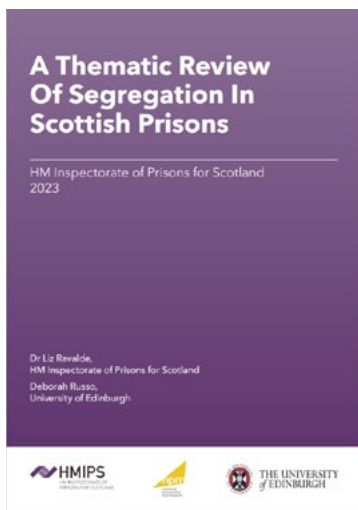
The SPS are fully aware of these issues and actively seeking to resolve them. However, this remains a key area of concern and a source of deep frustration to many prisoners.

Control and Restraint

Following Fatal Accident Inquiry in 2019, recommendations were made that led to the SPS undertaking a comprehensive review of one of their key operating protocols around use of force. The then Cabinet Secretary for Justice asked HMIPS to undertake an assurance on their work. This was submitted in September 2022. The SPS revised their use of force policy, placing greater emphasis on the roles and responsibilities of individuals involved in applying and monitoring the use of force. Additional sections were added, focussed on the risks of intervention and the medical conditions which may be exacerbated by the use of force.

The policy revisions placed more emphasis on the safety of all involved in an incident and the criticality of de escalation practices. While progress with the SPS review of use of force was hampered by the competing challenges of the pandemic, action in response to Sheriff Little's recommendations by the SPS appears thorough and appropriate. Moreover, HMIPS believe that adoption of a greater range of pain free C&R techniques has the potential to put SPS at the leading edge internationally in its approach to use of force.

We have consistently found that the management and assurance of SRUs has been fully documented and rigorously managed, although there are always



concerns about the length of time that some prisoners are held there. However, the CPT reports of 2018 and 2019 were strongly critical of the SPS segregation approach and use. In response, we worked with the University of Edinburgh on a [Thematic Review Of Segregation In Scottish Prisons](#) and

the report published on 21 July 2023. Worryingly, inspectors, IPMs and the segregation review team have continued to note a high prevalence of apparently mentally unwell prisoners being held in segregation.

Prisoner Transport

We have escalated concerns to the SPS about prisoner transport and in particular the worryingly poor performance of the contracted provider GEOAmeY to the SPS on a number of occasions. Recruitment and other issues have affected GEOAmeY's ability to meet their contractual requirements and have contributed to prisoners missing hospital appointments, late admissions, and journeys on prison transport that appear disproportionately lengthy. However, GEOAmeY's challenges have not been helped by being required to take many prisoners to court who turn out not to be required. Accordingly, we have begun a full thematic review of prisoner transport, which we hope will publish in 2024.

Joint Review of Diversion from Prosecution

The aim of this review was to assess the operation and impact of diversion from prosecution in Scotland. The review provides an overview of diversion practice from a policing, prosecution, and

justice social work perspective, highlighting what is working well and explores any barriers to the more effective use of diversion.

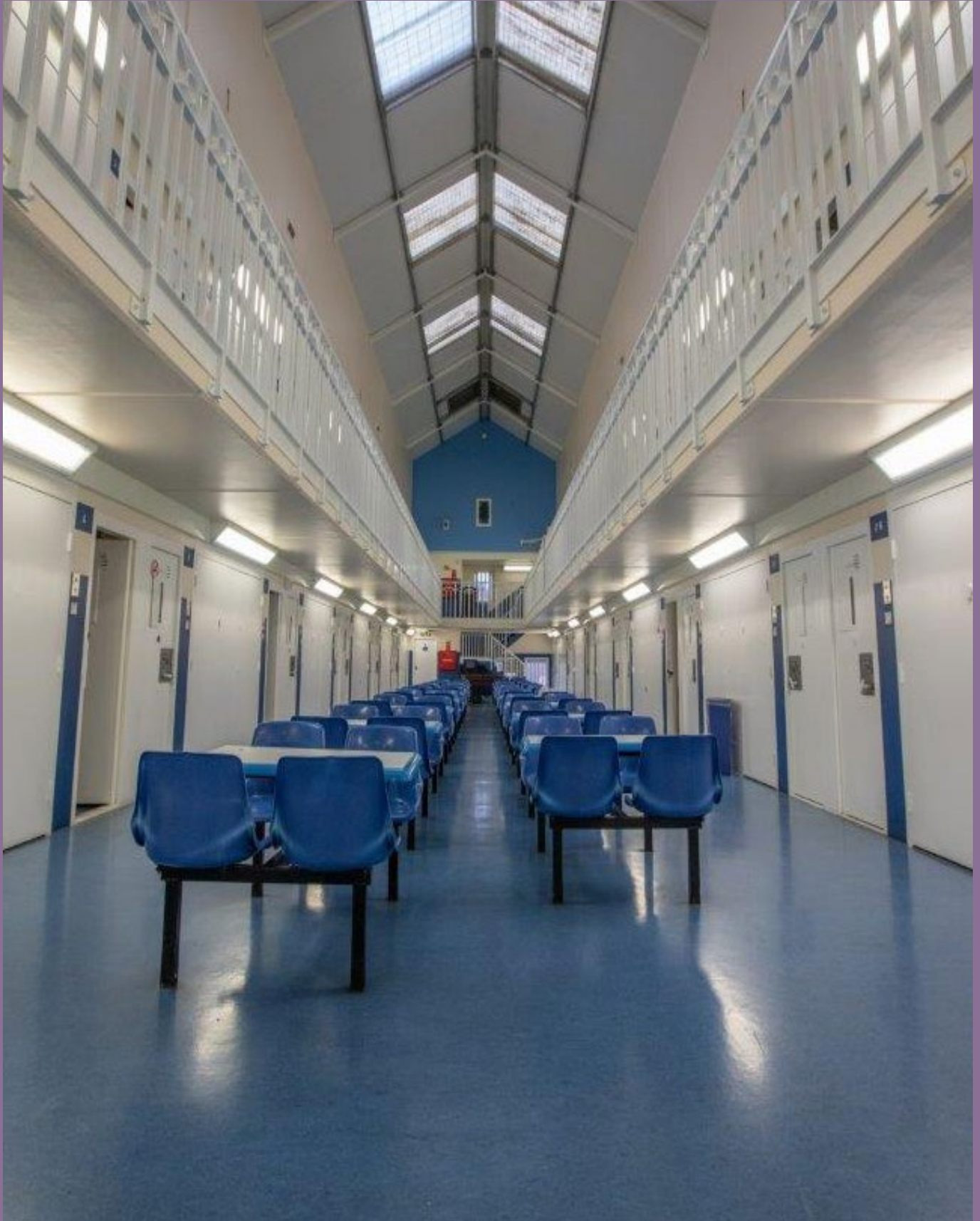
The review was carried out with HM Inspectorate of Constabulary in Scotland, HM Inspectorate of Prosecution in Scotland, the Care Inspectorate, and HMIPS. Given that effective partnership working is essential to the delivery of diversion, we considered that a similarly collaborative approach was required for its scrutiny.



The review concluded that diversion was working well and is developing in a positive direction and published in February 2023. Here is a link to the published report [Joint Review of Diversion from Prosecution](#).

The publication in 2020 of national guidelines on diversion was a significant milestone, and we welcome ongoing work to revise them and hope that they will be relaunched to achieve widespread awareness and understanding of current policy and practice.

6. Strategic challenges for the criminal justice system



The criminal justice system in Scotland is facing a number of strategic issues that require a co-ordinated response. Many of these issues are longstanding and repeat observations have been made by myself and previous Chief Inspectors over the life of the Inspectorate. The biggest difference in this reporting year was the paradigm shift in prison life in the recovery from COVID-19: that despite the lifting of restrictions, Scottish prisons have not as yet managed to return to pre-pandemic activity levels.

Remand and Overcrowding

Overcrowding of Scottish prisons has been a key concern of HMIPS in consecutive reports for over a decade and continues to be so with many prisons still regularly operating above their design capacity. We have one of the highest prison populations per head in Europe, and a prison infrastructure which cannot cope with the size of the prison population and has no surge capacity.

The recent and predicted rise in the prison population seems unlikely to be a temporary spike and there is no obvious relief. In February 2019, the overall number of people in custody breached 8,000 for the first time since 2013. Estimates are that for the next 12 months the prison population will again exceed 8,000 and probably rise above.

In the 2018 19 audit of the SPS, 1st Report, 2020 (Session 5) I made the statement that “The choice is stark - either we put fewer people in prison, or we recognise that we have to pay for the prison population that we do have”. With the sustained increase in remand and backlogs in the court system, the likelihood of an adverse impact on the ability of the SPS to manage a decent, rehabilitative, and humane regime is clear.

Overcrowding has also been highlighted repeatedly in reports by the CPT. The CPT recommended an approach to imprisonment for both remand and sentenced cohorts that is not purely punitive but rather focuses on rehabilitation and reintegration into the community.

The statutory presumption against short-term sentences was approved by the Scottish Parliament through the Criminal Justice and Licensing (Scotland) Act 2010 because it recognised that short-term prison sentences can only have a disruptive effect on the life of individuals and not offer any rehabilitative function. The same applies for prolonged periods of remand, and yet we are seeing no clear diminution of the numbers in remand or the numbers in custody.

Changing Demographics and Population Management

With the imperatives of a rising population, an ageing population, and challenging Serious Organised Crime Group (SOCG) cohort, decisive action is required. Meeting the complex social care and rehabilitative needs of both accommodation and care of the ageing population as well as determining a clear strategy for SOCG must go hand in hand with a justice strategy to reduce the population overall.

Alcohol and Substance Misuse

During the reporting year the advantages gained by the photocopying of mail to inhibit illicit supply and reduce drug deaths were gradually eroded with new methods of getting contraband into prisons. Those countries that have successfully reached a sustained drop in their prison population and a reduction in drug-related deaths have almost uniformly taken the bold decision, as well as other strategies, to decriminalise or de penalise substance misuse, often unpalatable concepts in our current climate. Recent academic evidence calls for a shift to a public health model and we applaud the rise in Recovery Cafés. However, the drug death statistics are deeply concerning and clearly a new approach is required. Within that parameter the link between alcohol and violent crime is inescapable and a co-ordinated approach from all the justice agencies to recognise and deal with the issue is required.

Human Rights and Children

Whilst we applaud the agenda to remove the remaining few children from custody, we note that this has not yet occurred. HMIPS continues to urge specific consideration to the rights of children and young people who are deprived of their liberty in line with the United Nations Convention on the Rights of the Child's (UNCRC) expectations.

Health and Mental Health

Health has become a significant concern with NHS staff shortages becoming increasingly perturbing. Recruitment and retention of clinical staff is challenging across Scotland and impacts heavily on prison care. This is compounded by an ICT system that inhibits liaison with the community and lacks electronic prescribing.

The inconsistencies between health boards are also a cause for concern despite the best efforts of the national healthcare groups that are beginning to work together. The current primary care model is clearly not working, and it is our contention that using the results of the health needs analysis this should be redesigned as bespoke for prisons and court custody units.

Discussion on alternatives needs to take place between Health and Justice around the safe and appropriate location of prisoners with mental health issues. HMIPS observe and interact with a high proportion of apparently mentally unwell prisoners, several of whom are located in segregation. We find prison used as a 'place of safety' and lengthy periods of waiting for those who require in patient care. Women in particular are at the extreme end of the waiting times and if requiring high secure in patient treatment are transferred to England.

Within this framework, the very prevalent issue of alcohol and substance misuse remains a deep concern. Despite the best efforts of Governors, the current punitive approach enshrined in the Prison Rules is neither in step with current medical model thinking nor effective in preventing drug deaths.

A Fragile and Ageing Prison Infrastructure

The ageing infrastructure and general condition of some of Scotland's prison buildings are ill-suited to a modern prison system, not least at HMPs Barlinnie, Castle Huntly, Dumfries, Greenock, Inverness, and Perth. Some of Scotland's prisons are modern and fit for purpose, but Scotland still has antiquated Victorian prison establishments that breach human rights guidelines on cell size, are expensive to maintain, and do not provide for the changing demographics. The CPT has long considered there should be 6m² of living space for a single occupancy cell (excluding sanitation) and 4m² of living space per prisoner in multiple occupancy cells which is not achieved for too many prisoners in older prison units like HMP Barlinnie and HMP Perth. Moreover, the number of cells out of commission and failing roof structures in HMP Greenock due to water ingress serve to highlight the challenges in maintaining Victorian infrastructures. The routine over reliance on HMP Barlinnie for surge capacity when prisoner numbers are high accentuates the risks until the new HMP Glasgow is built and becomes operational.

Prisoner Transport

Over my tenure there have been serious issues with fluctuations in the performance of the prisoner transport provider with unacceptable drops in performance that I have repeatedly raised with the Scottish Prison Service and the Cabinet Secretary for Justice. Since 2019, failure to meet the requirements of the prisoner transport contract has seen worrying cancellations of hospital appointments, inter prison transfers, and other contractual requirements. Despite being reassured that actions were being taken by the SPS and GEOAmev to rectify the shortfalls, this remains a key concern. I am pleased to note that there has been a recent reduction in the number of critical hospital appointment cancellations.

Progression

While Scotland has made efforts to improve its prison system, it still faces several challenges in prisoner progression. One major issue is overcrowding, which hampers the delivery of effective programmes and interventions due to limited resources and space. High rates of substance abuse and mental health disorders among inmates pose significant obstacles to successful rehabilitation. Insufficient funding and staffing levels also strain the system, impacting the quality and availability of offender behaviour programmes, educational and vocational programmes. Furthermore, the lack of adequate post release support and limited housing options often lead to difficulties in finding stable employment and accommodation, increasing the risk of reoffending. Addressing these systemic problems is crucial for Scotland to achieve meaningful prisoner progression and reduce the cycle of reincarceration.

Segregation and Isolation

Segregation in Scottish prisons remains a concerning issue that undermines the principles of rehabilitation and human rights. The use of segregation, also known as solitary confinement, involves isolating prisoners for extended periods, often for disciplinary purposes or to manage challenging behaviour. However, prolonged isolation can have severe detrimental effects on an individual's mental and physical wellbeing, exacerbating existing mental health conditions and potentially leading to further distress and self-harm. There is a disproportionate impact on vulnerable populations, such as those with mental health issues. Efforts are needed to review and reform the use of segregation to meet the needs of the more complex population, ensuring that alternative approaches are explored to promote humane and effective methods of managing difficult situations while safeguarding prisoners' rights and wellbeing.

An Interim Management Structure in the SPS

The SPS Chief Executive ensured stability and cohesive management during the pandemic. However, she is supported by a raft of management staff at SPS Headquarters and in local establishments who are on temporary promotion arrangements. This instability is compounded by a 'staff bulge' where a considerable tranche of senior experienced staff are due to retire in the next year. HMIPS have frequently commended good staff/prisoner relationships and their positive impact on safety and security. Stabilising the management structure, workforce capacity modelling and continuing to recruit are essential steps in safeguarding the future.

Reviewing the Outdated 2011 Prison Rules

In evidence to the Justice Committee, I raised that there was a need to revise the Prison Rules as they no longer provide the clear direction or compliance with current thinking and practice in penology. This remains a stumbling block to enlightened approaches towards, for example, alcohol and substance misuse as well as undermining any rehabilitative work for those on remand.

Fiscal Constraints

Imposed by the 2022 Spending Review, on top of the challenges in coming out of the pandemic, the constraints risk inhibiting capital projects and investments in alternatives to custody and innovation. This is a deep concern for HMIPS, particularly around the potential fragility of the new HMP Glasgow.

7. Independent Prison Monitoring Advisory Group (IPMAG)



The Independent Prison Monitoring Advisory Group (IPMAG) plays a crucial role within HMIPS. Comprised of independent experts, IPMs, and HMIPS staff, and independently chaired, the IPMAG provides valuable oversight and advice to HMIPS regarding the monitoring of prisons in Scotland. By collaborating with HMIPS, the IPMAG enhances the transparency and effectiveness of prison monitoring processes. Their input helps to ensure that monitoring is comprehensive, fair, and focused on promoting the well being, safety, and rights of individuals in custody. Through their valuable contributions and recommendations, the IPMAG strengthens the accountability and quality of Scotland's prison system, contributing to ongoing efforts to improve conditions and promote a rehabilitative approach to incarceration.

The current volunteer IPMAG members are:

- Kathrine Mackie (Chair), retired Sheriff and Advisor to the Community Justice Scotland Board
- Jim Murdoch, Academic, Glasgow University
- Jim Farish, Scottish Human Rights Commission, and former SPS Prison Governor
- Gil Long, IPM at HMP Barlinnie
- Sarah Cox, IPM at HMP Perth, and The Bella Centre Community Custody Unit
- Tina Harris, IPM at HMP YOI Grampian, and HMP Inverness
- Margaret Roberts, IPM at HMPs Kilmarnock and Greenock
- Mark Hamid, IPM at HMP Edinburgh

In addition, HMCIPS is a member of the IPMAG, along with the Deputy Chief Inspector, and the four HMIPS Prison Monitoring Co-ordinators. A representative from the Scottish Government's Justice Directorate attends as an observer.

During this reporting year, the IPMAG met quarterly in May, September and November 2022, and February 2023. Discussions focussed primarily on revisiting the key purposes of the group as set out in the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015, namely:

- The effectiveness of the independent prison monitoring system.
- The recruitment, retention, and training of IPMs.
- Annual review and further refinement of the Guidance for IPMs.
- Recommendations for improvements in respect of the above.

In addition, the group monitored the ongoing development of a new IT system for IPMs to use in support of their weekly visits, as well as the formation and launch of the Prisoner Expert Group (PEG); comprised of former prisoners to provide their experience and advice to HMIPS.

Key areas of note discussed at the IPMAG were the concerns surrounding the remand population, prisoner transport failures, progression, access to healthcare, and the staffing level of SPS and NHS services.

Muriel Mowat, IPM, retired from the group, and as an IPM, during the course of 2022-2023. HMIPS would like to thank all the IPMs who retired during this reporting year for their significant contribution to the success of the monitoring of prisons and Muriel for her valuable contribution to the IPMAG.

8. HMIPS Priorities for 2023-24

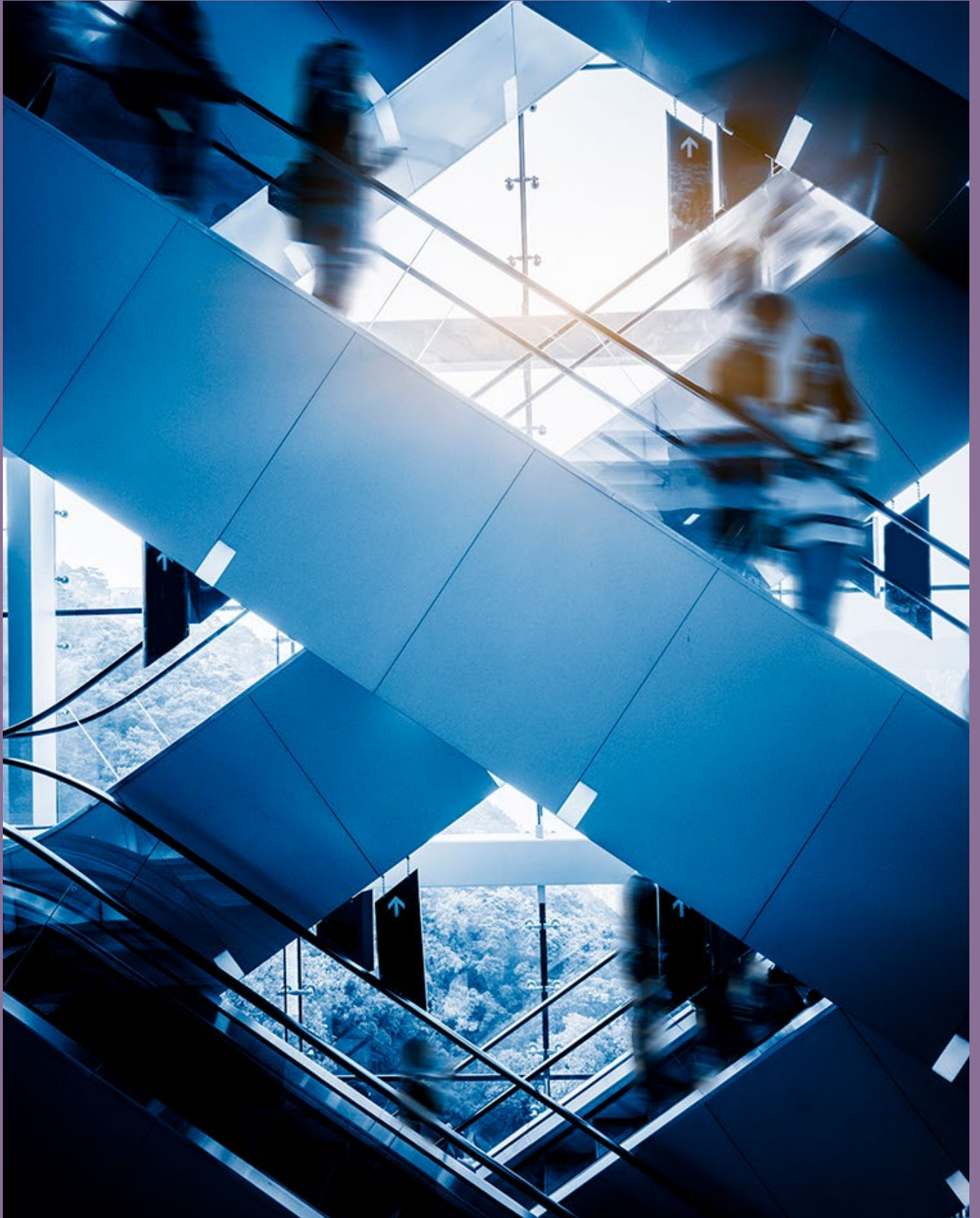


The issues identified earlier in this report clearly articulate where we must focus our activity in 2023-2024:

- Maintaining continuing scrutiny via our prison and CCU inspections, thematic reviews and independent prison monitoring teams on the key strategic and operational issues highlighted earlier in this report, in particular on the following:
 - Population Management – the rising population driven to some degree by the increased activity in the courts, leading to overcrowding and the impact of prisons routinely having to operate with more prisoners than design capacity, compounded by staffing shortages, a high remand population, aged care, and an increased complexity in the population.
 - Staffing shortages in both the SPS and NHS impacting on the treatment and conditions of prisoners, particularly where they have the potential to breach human rights.
 - Improvements with resolving the issues identified with prisoner progression.
 - Health and wellbeing particularly for those with mental health needs, alcohol and substance misuse, age-related issues, and secondary care.
 - The concerns with the performance of two of the contracted-out services; HMP Addiewell and prisoner transport.

- Monitoring progress with the replacement prisons; HMPs Glasgow and Highland, replacing HMPs Barlinnie and Inverness whose fabric and condition are not fit for purpose.
- Monitoring the progress in ensuring cells designed for one person but holding two are returned to single cells.
- Maintaining an interest in the growth of the Recovery Cafés and the public health approach to alcohol and substance misuse.
- Monitoring the progress with the key recommendations of the [Independent Review of the Response to Deaths in Prison Custody](#) and the [Review Of Segregation In Scottish Prisons](#).
- Initiating a review with the NPM on UK data on mental health in prisons.
- Completing the review of prisoner progression in 2023.
- Completing a review of Prisoner Transport in 2024.
- Work with the Care Inspectorate to complete a review of Prison-based Social Work.

9. Staff and Finances



Staff

Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland

Stephen Sandham, Deputy Chief Inspector of Prisons for Scotland

Calum McCarthy, Inspector of Prisons for Scotland

Tom McMurchie, Thematic Lead Inspector

Sam Gluckstein, Scottish NPM Co-ordinator and Human Rights Lead

Christopher Johnston, Prison Monitoring Co-ordinator, Region 1

Vicky Dunlop, Prison Monitoring Co-ordinator, Region 2

Chris Collins, Prison Monitoring Co-ordinator, Region 3

Ewan Mackenzie, Prison Monitoring Co-ordinator, Region 4

Kerry Love, Business Manager

Graeme Neill, Operations Manager

Dorothy Halliday, Executive Assistant for HMCIPS

Alexandra Costello, Prison Monitoring Support Officer

Shea Murray, Administrative Assistant

Finances

Costs for the year were as follows

	(£)
Staff Costs*	1,040,735
Travel and Subsistence Costs	48,986
Printing and Binding	6,880
Hospitality	1,104
Conference Fees	9,444
Other running costs	73,996
Total	1,181,145

* No employees earned in excess of £150,000

10. Annexes



Annex A

Independent Prison Monitoring Regions and Annual Reports

Region 1 ●

1. HMP Glenochil
2. HMP & YOI Grampian
3. HMP Inverness
4. HMP Open Estate
5. HMP Perth

Region 2 ●

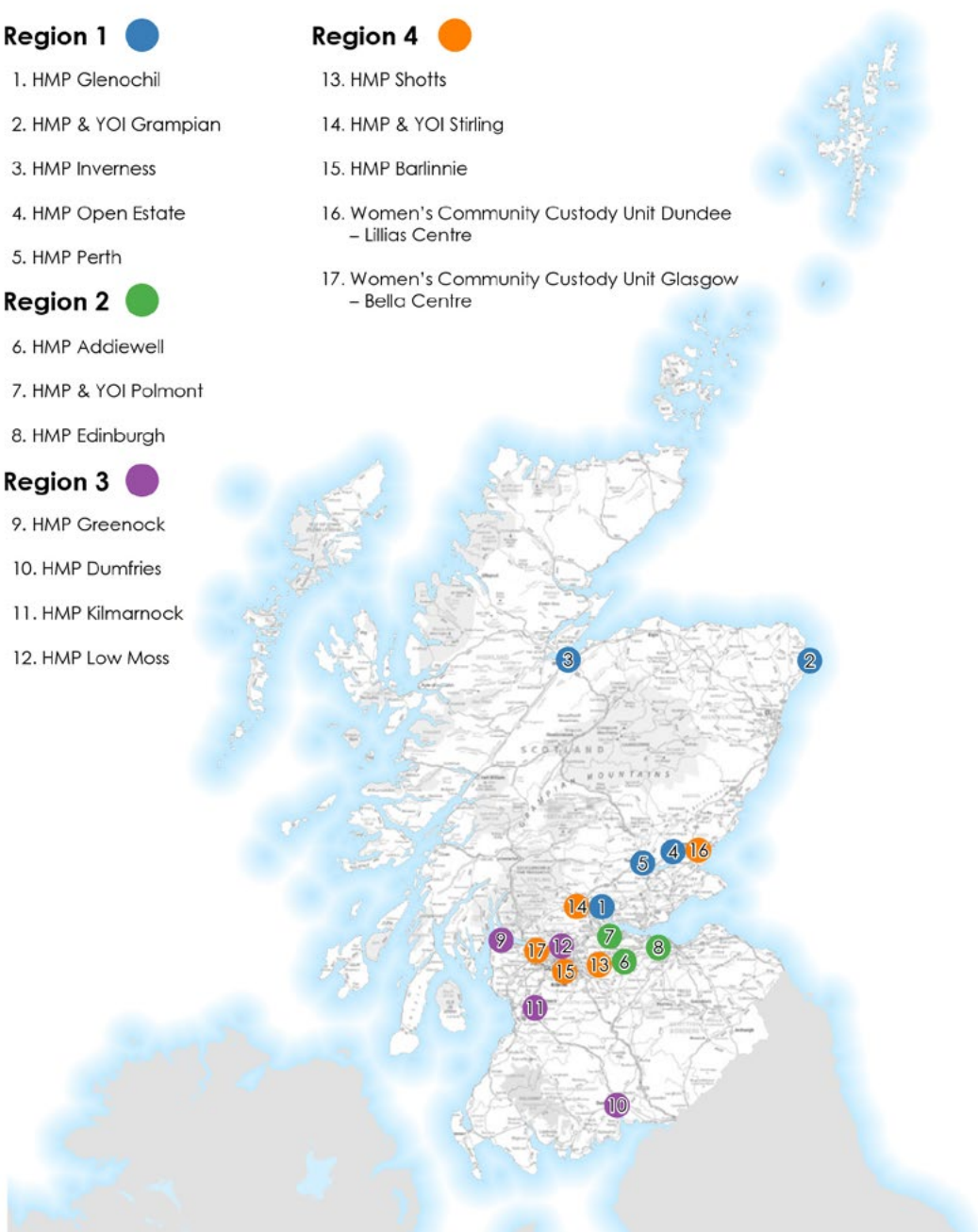
6. HMP Addiewell
7. HMP & YOI Polmont
8. HMP Edinburgh

Region 3 ●

9. HMP Greenock
10. HMP Dumfries
11. HMP Kilmarnock
12. HMP Low Moss

Region 4 ●

13. HMP Shotts
14. HMP & YOI Stirling
15. HMP Barlinnie
16. Women's Community Custody Unit Dundee – Lillias Centre
17. Women's Community Custody Unit Glasgow – Bella Centre



Scotland's Prisons - 2022

with monitoring and inspection regions

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Scale 1:3,101,600

Scottish Government Geographic Information Science & Analysis Team. September 2022. Job6287s.



HMP ADDIEWELL

9 Station Road
Addiewell
West Lothian
EH55 8QF



HMP BARLINNIE

81 Lee Avenue
Riddrie
G33 2QX



BELLA CENTRE

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Dundee
DD3 7TF



HMP OPEN ESTATE

Longforgan
near Dundee
DD2 5HL



HMP & YOI CORNTON VALE

Cornton Road
Stirling
FK9 5NU



HMP DUMFRIES

Terregles Street
Dumfries
DG2 9AX



HMP EDINBURGH

3 Stenhouse Road
Edinburgh
EH11 3LN



HMP GLENOCHIL

King O'Muir Road
Tuillibody
Clackmannanshire
FK10 3AD



HMP & YOI GRAMPIAN

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Peterhead
AB42 2YY



HMP GREENOCK
Old Inverkip Road
Greenock
PA16 9AJ



HMP INVERNESS
Duffy Drive
Inverness
IV2 3HH



HMP KILMARNOCK
Mauchline Road
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KA1 5AA



LILIAS CENTRE
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Maryhill
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G20 9DR



HMP LOW MOSS
Crosshill
Bishopbriggs
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G64 2PZ



HMP PERTH
3 Edinburgh Road
Perth
PH2 8AT



HMP YOI POLMONT
Brightons
Falkirk
FK2 0AB



HMP SHOTTS
Canthill
Shotts
ML7 4LE

Annex B

2023-2024 Planned Scrutiny

On present plans the following scrutiny will/has taken place during 2023-2024:

Full Prison Inspections:

HMP Perth - May 2023

HMP YOI Polmont - August 2023

HMP Edinburgh - November 2023

HMP Stirling and Bella and Lillas Centres - February 2024

We may also undertake unannounced visits.

Court Custody Unit Full Inspections:

Alloa - April 2023

Forfar - May 2023

Selkirk - May 2023

Kirkwall - July 2023

We may also undertake further announced and unannounced visits.

Thematic Reviews

Thematic reviews that have been initiated and anticipate publication in 2023-2024:

A Thematic Review of Segregation in Scottish Prisons (published 21 July 2023)

Progression Review

Transport Review



HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations which independently monitor all places of detention to meet the requirements of international human rights law.

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First published by HMIPS, September 2023
ISBN: 978-1-83521-223-3

Produced for HMIPS by APS Group Scotland

Published by HMIPS, September 2023