



**HMIPS**  
HM Inspectorate of Prisons for Scotland  
INSPECTING AND MONITORING

## **HM INSPECTOR'S ANNUAL REPORT 2020-21**

Chief Inspector Wendy Sinclair-Gieben stated:

HMIPS monitoring and inspection scrutiny shines a light on the treatment and conditions of people deprived of their liberty, ensuring that decision-makers are held accountable for their decisions. Importantly scrutiny should also provide praise where that is due.

The human rights tension during the pandemic has been the difficulty of ensuring that transmission of the virus was minimised (Article 2) without causing of ill treatment (Article 3), and the need to respect family life (Article 8). The COVID-19 transmission challenges faced in the community were compounded in the secure estate, where the risk of infection is higher in a contained environment where large numbers of people live and work in close proximity.

The Scottish Prison Service (SPS), NHS and the Scottish Government should be commended for their swift action in responding to the pandemic despite, at times, having large numbers of staff absent because of the virus. The predictions by numerous academic and third sector groups of catastrophic outcomes, thankfully did not come to pass in Scotland's prisons and, despite numerous COVID-19 outbreaks, the number of COVID-19 deaths remained low. This significant achievement by caring prison and health service teams deserves greater recognition.

COVID-19 and the measures taken to combat its spread also presented a challenge to our usual scrutiny methodology. HMIPS developed an adapted methodology concentrating on whether protective measures were resulting in inhuman or degrading treatment. We completed liaison visits to all 15 prisons and all 17 operating court custody units (CCUs) during the pandemic. We were able to return to on-site monitoring surprisingly rapidly with a number of willing volunteers, but in the interim the development of remote monitoring gave a rich picture. Some positive aspects of this more flexible approach will extend into the future.

I wholeheartedly commend the commitment, determination and courage of all the staff who continued working throughout this period and indeed the cohesive leadership that emerged during the crisis. We also commend the tolerance and resilience of prisoners forced into extremely restricted conditions. Undoubtedly this has been supported by good staff prisoner relationships and the introduction of in-cell telephony and virtual visits. It is important that in-cell technology and video calling facilities remain after restrictions are lifted.

However, the entrenched problems the Inspectorate has identified over recent years did not disappear; indeed some issues intensified. Overcrowding, social isolation, an ageing estate, access to purposeful and rehabilitative activity, the backlog in offending behaviour work and access to consistent health remain highly problematic.

In Scotland's CCUs, despite the reduced court activity, adapted protocols for cell sharing, movement of custodies, and infection control suddenly became pressing matters with the added burden of physical distancing requirements, isolation for affected staff, and the considerable additional resources necessary to reduce virus transmission risks. Information sharing and scheduling between key agencies appeared to inhibit efficient CCU management. We would like to see an effective shared digital platform developed to assist in this issue. Despite these challenges, HMIPS found that the escort service functioned well.

Conditions in the majority of court cell areas were adequate, although a minority of courts face an urgent requirement to upgrade facilities.

As the pandemic begins to recede and the vaccine rollout continues, there are opportunities for the SPS and NHS to reflect on some of last year's experiences. The extended, and in other ways highly damaging, periods of lock-up contributed to perceptions of safety. There is now the opportunity to learn from this last year and allow prisoners out of their cells to access rehabilitative activities, purposeful education, training and work whilst maintaining the perception and reality of safety.

Going forward, I strongly urge the Scottish Government that alternatives to remand or custodial sentences, currently being explored, are expedited. The SPS' efforts to maintain safety, encourage rehabilitation and reduce recidivism must not be compromised by a prison population again escalating beyond design capacity on the resumption of court activity.

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. A reduced prison population would undoubtedly assist with providing a modern rehabilitative experience for those who do have to be there.

Similarly, I welcome the Scottish Government's commitment to ensuring that children under age 18 will in future be looked after in secure care settings rather than in a young offenders institution. A bold and brave transformational agenda, including removing children from prison, supporting recovery as a forerunner to liberty, and a full review of the out of date Prison Rules could allow Scotland to lead the way again in enlightened justice and penology.

#### **NOTES TO EDITORS**

1. HM Chief Inspector of Prisons for Scotland, Wendy Sinclair-Gieben, was appointed in July 2018.
2. On publication the report can be found at [www.prisonssinspectoratescotland.gov.uk](http://www.prisonssinspectoratescotland.gov.uk)
3. For further information please contact Kerry Love, Business Manager, at [Kerry.Love@gov.scot](mailto:Kerry.Love@gov.scot) or on 07939 980452.