



REPORT TO ABERDEENSHIRE COUNCIL - 27 JUNE, 2013

APPOINTMENT OF REPLACEMENT MEMBER TO ABERDEEN PRISON VISITING COMMITTEE

1 Recommendation

1.1 The Council is recommended to appoint a replacement lay member to Aberdeen Prison Visiting Committee.

2 Background

2.1 The Council at its meeting on 17 May, 2012 (Item 5, Page 13), agreed to appoint Mrs R Downes and Mr D Stewart as lay members of Aberdeen Prison Visiting Committee. Councillors Carr and Dick are the two elected members on the Prison Visiting Committee.

2.2 Mr Stewart has intimated his resignation from the Committee, and the Council is requested to appoint a replacement lay member. A note of the requirements for members is attached.

2.3 It is anticipated that Aberdeen Prison Visiting Committee will come to an end by early 2014 in advance of the opening of HMP and YOI Grampian.

2.4 The Head of Finance and Monitoring Officer within Corporate Services have been consulted in the preparation of this report and had no comments.

3 Equalities, Staffing and Financial Implications

3.1 An equality impact assessment is not required because the recommendation contained within this report will not have a detrimental impact on the protected characteristics of any particular individuals.

3.2 There are no staffing or financial implications arising directly as a result of this report. Out of pocket expenses for lay members of the Committee are met by the Scottish Prison Service.

Christine Gore
Director of Corporate Services

Report prepared by:- Alastair Nicol, Principal Committee Officer
29 May, 2013

APPENDIX

Notes for Members of Prison Visiting Committees

Service as a member of a Prison Visiting Committee is recognised as a public duty. Under Section 29 of the Employment Protection (Consolidation) Act 1978, employers are statutorily required to allow employees reasonable time off to perform their duties. Members receive no payment. However travelling expenses are paid and in certain circumstances members may claim for some loss of earnings.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 candidates will be asked to provide details of any spent convictions that they may have. If they are convicted of a criminal offence or are the subject of any court order after appointment they will be debarred.

The Prison Rules preclude any person who is interested in any contract for the supply of goods or services to a Prison Service establishment from joining the Prison Visiting Committee at that establishment.

The Role of the Visiting Committee:-

1. Prison Visiting Committees provide a necessary outside perspective on the life and work of a prison or young offenders institution.
2. A visiting committee acts as an independent observer on behalf of the Scottish Minister for Justice to whom it is responsible. If there are matters which are of concern to a committee, it is its duty to report them to the Governor; where the Governor does not take appropriate remedial action, the committee may bring the matters to the attention of the Scottish Minister for Justice. To fulfil their responsibilities, members must be capable both of understanding the requirements of prison management and the difficulties of the prisoners. They must earn the respect and confidence of all parts of the prison community and at the same time be prepared to exercise judgements without fear or partiality. They need to acquire a working knowledge of the prison system and of all aspects of life within the establishment to which they have been appointed. At the same time, they must preserve their independence.
3. The work of a visiting committee can therefore be complex, at times highly sensitive and not a little time-consuming.
 - 4.1 The principal duty of a visiting committee is to satisfy itself as to the state and administration of the prison and, in particular, the treatment of prisoners.
 - 4.2 A visiting committee carries out these responsibilities by acting as an independent observer.
 - 4.3 The independence of the visiting committee is central to its function; it is not part of the management structure of the establishment. Operational and managerial responsibility is vested in the Governor, who is himself answerable to the Chief Executive of the Scottish Prison Service and, ultimately, to the Scottish Justice Minister.

- 4.4 To be fully effective, a visiting committee needs to maintain a good working relationship with the Governor. It has a right and a duty to make known its views on any matter affecting the establishment or those in it to the appropriate level in the prison system and, if necessary, thereafter to the Scottish Justice Minister.
- 4.5 In all its activities, the visiting committee needs to uphold the principles of fairness and humanity in the treatment of prisoners, while giving full weight to the need for the maintenance of discipline and control. Visiting committees are expected to exercise firmness with understanding and consistency without rigidity.

5. **The Statutory Responsibilities of the Visiting Committee**

Some of the rules governing visiting committees are of a largely procedural nature, relating to appointments, meetings etc, but others spell out responsibilities which are central to the role of visiting committees, ie:

- They shall co-operate with the Scottish Justice Minister and the Governor in promoting the efficiency of the prison (rule 135(1)),
- They shall inquire into and report to the Scottish Justice Minister upon any matter into which he may ask them to inquire (rule 135(1)),
- They shall immediately bring to the attention of the Governor any circumstances pertaining to the administration of the prison or the condition of a prisoner when they consider this necessary (rule 135(2)(a)),
- If the Governor has not remedied matters within a reasonable period of time they shall bring the matter to the notice of the Scottish Justice Minister (rule 135(2)(b)),
- They shall, from time to time, inquire into the state of the prison premises and inspect the food and drink provided to the prisoners and if at any time they find these unsatisfactory they shall record any deficiencies in their minute book and send a copy to the Scottish Justice Minister and the Governor (rule 135(3)),
- They shall hear and investigate any applications or complaints which prisoners may make to them and shall report their findings to the Governor and the Scottish Justice Minister (rule 136),
- Not fewer than 2 members of a visiting committee shall visit the prison fortnightly (rule 137),
- They may inspect prison records other than personnel records; prisoners' records and security manuals or other papers which have implications for security and a note of their inspection shall be made in their minutes (rule 138), and

- They shall make annual reports for the period of 12 months ending on 31 March each year to the Scottish Justice Minister about the state of the establishment and its administration and may include any advice and suggestions they consider appropriate.

6. **Conflict of Interest**

- 6.1 Rule 140 of the Prison Rules states that a member of a visiting committee shall not have any direct financial interest in any contract for the supply of goods or services to the prison for which the committee is appointed or any other prison.
- 6.2 A prison visitor must declare immediately if a prisoner is known to them personally or if they have a relative, friend or personal acquaintance in the prison they are to visit.

7 **False Declaration**

The provision of false or misleading information by a visiting committee member will result in their removal from office.