

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 December, 2011
DIRECTOR	Director of Corporate Governance
TITLE OF REPORT	Aberdeen Prison Visiting Committee – Appointment of Replacement Members
REPORT NUMBER	CG/11/158

1. PURPOSE OF REPORT

This report seeks consideration of the continued membership of one existing external Council appointee on Aberdeen Prison Visiting Committee, and intimates the requirement to find and select at least two (possibly three dependent on the decision in relation to the previous matter) replacement Aberdeen City Council appointees on the Visiting Committee.

2. RECOMMENDATION

That the Council -

- (a) consider the continued membership of Ms Robyn Warrender on the Aberdeen Prison Visiting Committee, in light of her failure to undertake the duties required of a member as set out in part 17 of the Prison and Young Offenders Institutions (Scotland) Rules 2011; if the Council agree to cease this membership then to request the Council to make a replacement external appointment; and
- (b) make two appointments to Aberdeen Prison Visiting Committee, and that these be made either on the basis of two external members **or** one external and one Council member.

3. FINANCIAL IMPLICATIONS

None.

4. SERVICE & COMMUNITY IMPACT

The value judgements underpinning the existence of Visiting Committees are outlined in Section 6.

5. OTHER IMPLICATIONS

None.

6. REPORT

6.1 **Background**

- 6.1.1 Many elected members will be familiar with the role of Prison Visiting Committees which, very broadly, act on behalf of the First Minister as independent observers concentrating on the conditions in prisons and, in particular, the treatment of prisoners.
- 6.1.2 Some form of independent oversight of prisons in Scotland has existed for well over a century. The modern context of the Visiting Committee is a sophisticated one which assumes harmony between the Committee and the Governor but, ultimately, provides for the possibility that the Committee might not be satisfied by remedial action taken by the Governor in response to its concerns, and for the referral of difficulties to the First Minister.
- 6.1.3 Ideally, the Governor welcomes the involvement and participation of the Visiting Committee in the strategic planning process but, ultimately, the Committee has no veto on value judgements reached in the course of that process. However, the absence of ultimate managerial responsibility does not entail lack of real influence.
- 6.1.4 Every member of a Visiting Committee has the right to enter the establishment at any time, and to have access to every part of it and to every prisoner. This right must of course be exercised with common sense, and with due regard to the routines of the establishment. A visiting rota is arranged, with a minimum of two members visiting every fortnight. These rota visits are at the heart of the Committee's moral and legal purpose.

6.2 **Current Position**

- 6.2.1 The Aberdeen Committee is supported by the City Council. The statutory rules for Aberdeen stipulate that the Council needs to appoint four representatives (whereas for the Peterhead Committee we are obliged to appoint only three). All four Aberdeen appointments can be external members but at the very least (in any mixture of external members and Councillors) external members must not be outnumbered.
- 6.2.2 As members will recall the Council on 17 August, 2011, agreed not to fill the vacancy arising from Councillor Leslie's resignation, which meant the Committee has been operating since this time with three members, not the four, required from the Council.
- 6.2.3 In addition, one external member of the Committee, Ms Robyn Warrender, has now failed to attend either meetings of the Committee or her scheduled rota of visits since the beginning of April, 2011. As set out in part 17 of the Prison and Young Offenders Institutions (Scotland) Rules 2011, these duties are a requirement of each member's role, and therefore Ms Warrender has not been undertaking her duties. The Committee have considered Ms Warrender's non attendance at its last three meetings and both the Convener and Clerk of the Committee have tried on numerous occasions, and by a variety of means, to contact Ms Warrender to ascertain her intentions regarding her future membership on the Committee, but unfortunately to date have been unsuccessful in discussing this matter with Ms Warrender and have not received any response.

6.2.4 In light of this, the Committee at its meeting on 16 November, 2011, considered Ms Warrender's position and the impact this was having on the remaining members. Having considered this position, along with the other membership issues, the Committee have requested that the Council consider the continued membership of Ms Robyn Warrender who due to her failure to attend meetings and undertake her allocated prison visits, has failed to satisfactorily perform her duties.

6.2.5 Also, since the decision of Council detailed above, Mr Steve Delaney (external member) has formally resigned. Therefore, at present, of the four members to be appointed by the Council to the Committee, two places are vacant, one member is continuing to fail to undertake the required duties, and Councillor Kiddie, Convener of the Committee, continues to undertake his duties.

6.3 **Appointments Required**

6.3.1 On the basis of the current position detailed above, the Council now need to:- (a) decide whether to cease Ms Warrender's appointment and subject to that decision appoint a replacement external member; and (b) make two further appointments to the Committee, and that this be either two external members **or** one Councillor and one external member.

6.3.2 Although some broad civic experience is desirable, and some knowledge of the justice system preferable, any new appointment with commitment to the role is eminently suitable, and the Scottish Prison Service and the Association of Visiting Committees provide a wide range of training opportunities for new members. Previous experience suggests that Community Councils and the Civic Forum will not yield many expressions of interest here, reflecting perhaps the likelihood that many people would find entering a prison to be a daunting prospect. **It is therefore requested that members identify any external individual who would be dedicated and keen to undertake this role and propose this person to the Council for consideration on 14 December, 2011.**

7. AUTHORISED SIGNATURE

Stewart Carruth
Director of Corporate Governance
scarruth@aberdeencity.gov.uk
(01224) 522550

8. REPORT AUTHOR DETAILS

Allison Swanson
Committee Services Officer
aswanson@aberdeencity.gov.uk
(01224) 522822

9. BACKGROUND PAPERS

No background papers were used as a point of departure for writing this report.