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Office of Chief Executive  
Aberdeen City Council

21 NOV 2013

### New Prison – HMP Grampian – Visiting Committee (VC)

Dear Ms Watts

As you will be aware a new prison, HMP Grampian, is being built to replace Aberdeen and Peterhead prisons on the existing Peterhead prison site and will open in March 2014.

#### **Statutory commitment:**

The new prison will require a Visiting Committee (VC) which is a statutory requirement for the relevant councils for the prison catchment area as per:

#### **Prisons (Scotland) Act 1989, Section 8 – Visiting Committees**

- (1) Rules made under section 39 of this Act shall provide for the constitution, for prisons, of visiting committees appointed, at such times, in such manner, for such periods and by such regional, island and district councils as may be prescribed by the rules.*
- (2) Rules made under section 39 of this Act shall prescribe the functions of visiting committees, and shall among other things require the members to pay frequent visits to the prison and hear any complaints which may be made by the prisoners and report to the Secretary of State any matter which they consider it expedient to report; and any member of a visiting committee may at any time enter the prison and shall have free access to every part thereof and to every prisoner.*
- (3) The Secretary of State may pay:*
  - a. to the members of any visiting committee appointed under or in pursuance of this section such allowances in respect of loss of earnings or travelling or subsistence or other expenses necessarily suffered or incurred in the performance of their duties, and*
  - b. to the officers of any such committee such remuneration (whether by way of salary or fees) and such allowances in respect of travelling or subsistence expenses, as the Secretary of State may with the consent of the Treasury determine.*

The Rules referred to in Section 8 (1) and (2) above and in Section 39 of the Prisons (Scotland) Act 1989 are the '*Prisons and Young Offenders Institutions (Scotland) Rules 2011*' – which are normally referred to as the 'Prison Rules'. Schedule 2 (Prisons) of the Prison Rules specifies the composition of each prison VC from each of the responsible councils.

### Composition of Visiting Committees:

Representation on VCs consists of a combination of elected members and non-elected members, with one-third of the VC normally made up of non-elected members. In practice this is a minimum non-elected member quota, councils can appoint as many non-elected members as they wish up to their total quota.

### Responsible councils for HMP Grampian:

HMP Grampian will hold prisoners from the following council areas: Aberdeen City; Aberdeenshire; Morayshire; Highland; Eilean Sair; Orkneys and Shetland, consequently these 7 councils should provide representation on the HMP Grampian VC.

### VC commitment from each council for HMP Grampian:

For a prison the size of HMP Grampian, with a design capacity of 506 prisoner places, 12 VC members are required, which is consistent with VC representation at other prisons.

To determine the representation from each council the estimated prisoner population demographic for the HMP Grampian catchment area has been used and the percentage of that population for each of the 7 councils has been applied to the compliment of 12 VC members on a pro rata basis (*note: an element of 'rounding' has been applied to the calculations*). For the purpose of this calculation the prison population demographic of prisoners held in Scottish prisons over the last 12 months was used. This has resulted in the following commitment from each council, which is broken down into elected and non-elected members:

Council	VC Composition		Total VC members	Current VC commitment for other prisons from the 7 councils
	Elected VC members	Non Elected VC members		
Aberdeen City	2	3	5	<i>Aberdeen - 4 Peterhead - 3</i>
Aberdeenshire	1	1	2	<i>Aberdeen - 2 Peterhead - 5</i>
Morayshire	1	0	1	0
Highland	1	0	1	<i>Inverness - 10</i>
Eilean Sair	1	0	1	0
Orkneys	1	0	1	0
Shetland	1	0	1	0
	8	4	12	24

Schedule 2 (Prisons) of the Prison Rules will be amended to reflect this commitment from the 7 councils whilst the current commitments for HMP Aberdeen and HMP Peterhead from Aberdeen City council (7 VC members) and Aberdeenshire council (7 VC members) will be discontinued with the closure of these prisons.

### Future developments for Prison Monitoring:

You may be aware that the Cabinet Secretary for Justice has proposed a change for prison monitoring, which is currently going through the parliamentary process. The proposal will discontinue Visiting Committees and replace them with Prison Monitors appointed by Her Majesty's Chief Inspector of Prisons for Scotland. This change is planned for the autumn of 2014.

### **The normal VC recruitment and appointments process:**

In normal circumstances the appointment/recruitment of VC members entails appointing councillors for elected member VC appointments and for non-elected member VC appointments a process of advertising; sifting; interviewing; enhanced disclosure checking of successful candidates before these appointments can be confirmed. This can be a costly and drawn out process and is reliant on interest from the general public in the case of non-elected members. Once appointed there would also be a requirement for appropriate training which is normally delivered by the Association of Visiting Committees (AVC); the local Visiting Committee; and the Scottish Prison Service (SPS).

In the case of Aberdeen City, Aberdeenshire and Highland councils the recruitment/appointment process is already familiar to the council. However, for all of the councils I understand that the commitment to fulfil these obligations to HMP Grampian will have to be agreed at a relevant council committee meeting, therefore one of the aims in me writing at this time is to allow this due process to take place to ensure appointments are in place and to allow appropriate training for any new VC member in time for the prison opening in March 2014. Ideally the VC membership should be recruited and appointed by no later than mid January 2014.

### **Alternative to the normal VC recruitment and appointment process in this case:**

As previously stated the Cabinet Secretary for Justice intends replacing VCs with Prison Monitors in the autumn of 2014. With HMP Grampian opening in March this will mean that HMP Grampian VC appointments will only be required for 6 – 9 months. The shortness of the appointment is likely to impact significantly on the level of interest from the general public for these appointments. Consequently a combination of the recruitment costs and the training required can hardly be justified given the short duration of the appointment. But there is still a statutory requirement to have a VC in place.

With all of this in mind I have explored the option of retaining the existing VC membership from HMPs Aberdeen and Peterhead to cover the VC responsibilities at HMP Grampian until such times as the new Prison Monitoring arrangements come into effect. After discussions with the existing VC membership from both prisons I can confirm that 9 members have indicated they are prepared to continue in the VC role at HMP Grampian with another member committing provisionally to do the same. All of these members are from Aberdeen City and Aberdeenshire councils and therefore cover the VC commitment for HMP Grampian from both of these councils.

The benefit with this option for HMP Grampian is that the prison will open with an experienced VC in place. The benefit for both councils is that they will not be required to undertake a new recruitment and appointment process.

I think the benefits of this option to both councils speak for themselves and recommend that they ratify this at an appropriate council committee meeting (the names of the VC members are attached).

The appointment process for the other councils (Morayshire, Highland, Eilaen Sair, Orkneys and Shetland) is relatively simple inasmuch as all appointments are for elected members and therefore don't have to go through the open recruitment campaign and interview process.

### **Clerking arrangements for the HMP Grampian VC:**

It is custom and practice that the council where the prison is located provide clerking support for the VC. In this case that will be Aberdeenshire council. Both Aberdeen City and Aberdeenshire councils currently provide a clerk support service to the Aberdeen and Peterhead prison VCs. The clerking service for HMP Grampian VC will be a continuation of the service currently provided to HMP Peterhead VC. The clerking service for HMP Aberdeen VC will no longer be required when the prison closes on 6<sup>th</sup> December 2013.

**Action required at this stage:**

- That each council refers the matter to the relevant council committee;
- That this committee confirms that the council is prepared to fulfil its statutory obligations of representation on the HMP Grampian VC;
- That council representatives (elected or non-elected) are duly appointed;
- That the names and contact details of those appointed to the VC positions are forwarded to me as soon as possible and ideally no later than mid January 2014;

Your assistance with this matter is very much appreciated. If you need any further information on this please do not hesitate to get in touch on the phone number or email address above.

Yours sincerely,

Jim Chisholm  
Executive Manager,  
Partnerships & Commissioning Directorate, SPS.

20 November 2013.

c.c.

Chief Executive, Aberdeenshire Council,  
Chief Executive, Morayshire Council,  
Chief Executive, Highland Council,  
Chief Executive, Eilean Sair Council,  
Chief Executive, Orkneys Council,  
Chief Executive, Shetland Council,

**Members from the HMP Aberdeen and Peterhead VCs who have indicated they are prepared to continue with the role at HMP Grampian:**

Fraser	Forsyth	Elected member	HMP Aberdeen VC	Aberdeen City council
Yvonne	Allan	Elected member	HMP Aberdeen VC	Aberdeen City council
Rae	Ingram	Non-elected member	HMP Aberdeen VC	Aberdeen City council
Sandy	Wallace	Non-elected member	HMP Aberdeen VC	Aberdeen City council
Eileen	Lawson	Non-elected member	HMP Aberdeen VC	Aberdeen City council
Stuart	Pratt	Elected member	HMP Peterhead VC	Aberdeenshire council
John	Duncan	Elected member	HMP Peterhead VC	Aberdeenshire council
Alisan	Norrie***	Elected member	HMP Peterhead VC	Aberdeenshire council
Alan	Donnelly	Elected member	HMP Peterhead VC	Aberdeen City council
Bill	Stark	Non-elected member	HMP Peterhead VC	Aberdeen City council

\*\*\* Provisional