

ABERDEEN CITY COUNCIL

COMMITTEE Council
DATE 18 December 2013
DIRECTOR Director of Corporate Governance
TITLE OF REPORT HMP Grampian Visiting Committee Appointments
REPORT NUMBER CG/13/136

1. PURPOSE OF REPORT

This report informs Council of the establishment of HMP Grampian and the requirement for appointments to be made to the Visiting Committee for the new establishment.

2. RECOMMENDATION

That Council -

- (a) consider the proposal from the Scottish Prison Service (SPS) for the appointment of members to HMP Grampian Visiting Committee detailed in section 6.2.6 of the report and the letter appended to the report; and
- (b) accept the proposal from the SPS and appoint the following six existing members (three elected members and three lay members) to serve on HMP Grampian Prison Visiting Committee:
 1. Councillor Allan (elected member)
 2. Councillor Donnelly (elected member)
 3. Councillor Forsyth (elected member)
 4. Rae Ingham (lay member)
 5. Eileen Lawson (lay member)
 6. Bill Stark (lay member)

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of these appointments to HMP Grampian. Any expenses incurred by the appointees shall be reimbursed by the Scottish Prison Service.

It is custom and practice that the council where the prison is located provides clerking support for the Visiting Committee, therefore Aberdeenshire Council will provide the clerking service to the new Visiting Committee.

4. OTHER IMPLICATIONS

None.

5. REPORT

5.1 **Background**

6.1.1 Many elected members will be familiar with the role of Prison Visiting Committees which, very broadly, currently monitor Scotland's prisons. They are

statutory bodies regulated by Section 8 of the Prisons (Scotland) Act 1989 and Part 17 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011. They are required to visit prisons fortnightly (as a minimum) and to hear, in confidence, complaints and concerns from prisoners. Prison Visiting Committee members may visit at any time of the day or night, during which they have unfettered access to all areas of the prison and to 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. The full duties required of a member are set out in part 17 of the Prison and Young Offenders Institutions (Scotland) Rules 2011.

6.2 **HMP Grampian Visiting Committee Appointments**

- 6.2.1 Members will be aware that the Council, in accordance with section 8 of the Prisons (Scotland) Act 1989 and the Prisons and Young Offenders Institutions (Scotland) Rules 2011, has made appointments to the Visiting Committees for HMP Aberdeen and HMP Peterhead. Both of these will close in the near future (10 January and 6 December respectively) and will be replaced by HMP Grampian, a newly built establishment located in Peterhead and to be operational from March 2014.
- 6.2.2 As a result of these changes to the prison establishments, the Visiting Committees for Aberdeen and Peterhead will be disbanded and a new Visiting Committee for Grampian established.
- 6.2.3 The SPS has written to this Council regarding the appointments to HMP Grampian and a copy of this letter is appended to the report.
- 6.2.4 The SPS advise that HMP Grampian will hold prisoners from the following council areas: Aberdeen City; Aberdeenshire; Morayshire; Highland; Eilean Sair; Orkney and Shetland, and consequently all seven Councils should provide representation on HMP Grampian Visiting Committee.
- 6.2.5 For a prison the size of HMP Grampian, with a design capacity of 506 prisoners, 12 Visiting Committee members are required. Representation from each Council has been determined by the estimated prisoner population demographic for the

HMP Grampian catchment area and the percentage of that population for each of the seven councils has been applied to the complement of 12 members. On that basis, Aberdeen City Council *would ordinarily* be required to appoint two elected members and three lay members (five members in total).

6.2.6 However, the SPS propose that in light of the draft Public Services Reform (Prison Visiting Committees) (Scotland) Order 2014 which, if enacted, will abolish Prison Visiting Committees and create roles of Prison Monitor and Lay Monitors by autumn 2014, that the members of both of the existing Visiting Committees be retained and appointed to HMP Grampian until the new independent prison monitoring arrangements come into effect. The SPS outlines the merits of retaining the existing members in its letter (appended) and also details what the membership of the new Visiting Committee would have been had it not been expected that Visiting Committees would be abolished. Both Visiting Committees agree with the proposal.

6.2.7 The SPS has also asked each of Aberdeen City Council's appointees to Aberdeen and Peterhead Visiting Committees if they would be willing to be appointed to HMP Grampian. The following members have confirmed they would wish to be appointed:

- Councillor Allan (elected member)
- Councillor Donnelly (elected member)
- Councillor Forsyth (elected member)
- Rae Ingham (lay member)
- Eileen Lawson (lay member)
- Bill Stark (lay member)

On this basis, Council is asked to consider the appointment proposal from the SPS, and if accepted, appoint the aforementioned six people (three elected members and three lay members) to serve on HMP Grampian Visiting Committee.

7. IMPACT

None.

8. MANAGEMENT OF RISK

None.

9. BACKGROUND PAPERS

None.

10. REPORT AUTHOR DETAILS

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