



8 October 2020

STATEMENT FROM THE UK NPM IN RESPONSE TO THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) REPORT TO THE UNITED KINGDOM ON THEIR 2019 VISIT TO SCOTLAND

The UK's National Preventive Mechanism (NPM) is a network of 21 independent monitoring bodies in England, Wales, Scotland and Northern Ireland whose role is to prevent ill-treatment in detention. The NPM was established in 2009 in accordance with the UK's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Six NPM members are based in Scotland: Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), the Mental Welfare Commission for Scotland (MWCS), Independent Custody Visiting Scotland (ICVS), the Care Inspectorate (CI), and the Scottish Human Rights Commission (SHRC).

The Council of Europe's Committee for the Prevention of Torture (CPT) is an international body with a role to prevent ill-treatment through conducting visits to places of detention.

In October 2019, a delegation from the CPT carried out an ad-hoc visit to men's and women's prisons in Scotland. This was the CPT's second recent visit to Scotland to follow up on key issues raised from their visit in October 2018. The CPT's 2019 visit focused on:

- the treatment of women in HMP Cornton Vale;
- over-crowding in the men's estate;
- and, long-term segregation in the men's estate.

During their visit, the CPT's delegation visited HMP & YOI Cornton Vale and HMP Shotts and met with the Scottish Prison Service (SPS), NHS and Scottish Government representatives, as well as HM Chief Inspector of Prisons for Scotland.

The treatment of women in HMP Cornton Vale

On the treatment of women in prisons in Scotland, the CPT was pleased to learn about plans to reconceptualise women's imprisonment in Scotland, including plans to build two local Community Custodial Units (CCUs) in Dundee and Glasgow and to re-build HMP Cornton Vale. MWCS welcomes the plans to build the new local CCUs but highlight the importance that there is adequate mental health

service input into these units, including psychiatric input and psychological therapies. The NPM shares the CPT's view that these new facilities offer an opportunity to undertake deep structural and conceptual reform to the female prison estate. The CPT report highlights, for example, the need for Scottish Government and the SPS to consider alternatives to custody for women. In addition, authorities are advised to provide appropriate services for women prisoners who require psycho-social support and consider introducing alternatives to the use of control and restraint measures and segregation.

The CPT's report notes some improvements for women in Ross House in HMP Cornton Vale, however, they found the regime at the segregation unit to be "extremely limited" in scope, showing little change from when the CPT visited in October 2018. It is a concern to the NPM that the CPT spoke with two women in the segregation unit who decided not to take up outside exercise and were subsequently locked in their cells alone for 23.5 to 24 hours a day in a situation akin to solitary confinement with little to no meaningful contact. The NPM welcomes the CPT's recommendation that at least two hours of meaningful human contact is offered to women in segregation units.

Further, the CPT report states that Scottish authorities should invest greater efforts and resources into providing more psycho-social support and treatment for women, especially for women prisoners held for longer than two weeks in the segregation unit in HMP Cornton Vale. The NPM supports the recommendation that the input of clinical psychologists should be increased, but also wish to highlight the availability of a range of psychological therapies, many of which can be provided by other appropriately trained workers. The NPM agree with the CPT's recommendation that step-down facilities should be developed at HMP Cornton Vale in the form of small therapeutic units to facilitate women prisoners' reintegration process. HMIPS are visiting HMP & YOI Cornton Vale later in October 2020 and will inspect the response to the CPT's report and progress towards meeting the recommendations made. HMIPS have also worked with colleagues at MWCS in preparation for reviewing the mental health support provided to women prisoners in HMP Cornton Vale. MWCS had planned to conduct visits to all Scottish prisons including HMP Cornton Vale in Spring 2020 to review the mental health services. These visits had to be postponed due to the COVID-19 pandemic but will be carried out as soon as it is practical to do so.

The NPM shares the CPT's concern regarding two separate allegations of ill-treatment and excessive use of force made by a woman in HMP Cornton Vale. We welcome the CPT's recommendation that staff are reminded that no more force than is necessary is used during restraint operations, and that all training courses are reviewed and up to date. It is crucial that any complaint of ill-treatment made by a prisoner is systematically followed up, as noted in the CPT's report. HMIPS will review the response to the allegations of ill-treatment and excessive force made by women in HMP Cornton Vale when they carry out their visit to the prison in October 2020. Additionally, the CPT suggest that prison regulations are amended to make it mandatory for body worn video cameras (BWVCs) to be issued, worn and turned on. The NPM invites the Scottish authorities to share the outcomes of the recent trial of BWVCs, which will inform any proposed rollout across the rest of the prison estate.

The CPT highlight the considerable improvement in the transfer of women prisoners in need of in-patient care to an appropriate hospital. The CPT recommends that Scottish authorities pursue the

target of transferring female prisoners suffering from severe mental health disorders to an appropriate psychiatric facility within two weeks. MWCS is currently investigating individual cases where delays in arranging transfers to in-patient care are deemed to be inappropriate, with a report on these investigations and subsequent recommendations due to be published in early 2021. MWCS are also actively liaising with the Forensic Network in Scotland to develop a process for identifying and dealing with transfer delays.

In their 2019 report, the CPT reiterate their view that prison is an inappropriate environment for women suffering from severe mental disorders. The NPM supports the CPT's recommendation that urgent consideration be given to developing a specialised psychiatric unit in Scotland to care for women prisoners with severe mental health needs.

Over-crowding in the men's estate

The CPT found that the number of prisoners in Scotland has continued to increase steadily and was "at an all-time high" at the time of their visit. The CPT's report highlights the need for urgent measures to address both overcrowding and the factors contributing to this steady increase in the prison population. Concerns were also raised around the high prison population in the female estate in Scotland, where the number of women prisoners was 85% above the maximum capacity at the time of their visit, with many women held in male prison facilities. HMIPS have raised this issue of over-crowding as a significant concern and have drawn attention to the harmful effects that overcrowding has on prisoners within the estate. The NPM welcomed the efforts made by the Scottish Government to reduce the prison population to more manageable levels during the COVID-19 pandemic through the emergency early release scheme and reduction in court activity. However, the NPM is concerned that the prison population is rising again and may in future exceed previous levels of overcrowding unless urgent measures are put in place to tackle the issue.

Long-term segregation in the men's estate

The NPM is particularly concerned by the CPT's observation regarding the "carousel" of long-term segregated prisoners moving between Separation and Re-integration Units (SRUs) every few months. This was an issue also raised during the CPT's previous visit. In practice, this resulted in some prisoners being segregated for years on end. The NPM welcomes the CPT's recommendation that Scottish authorities review the process which allows for prisoners to be removed from association with other prisoners and housed long-term in an SRU, including the application of disciplinary sanctions for prisoners already in the SRU. The NPM fully endorse the CPT's further recommendation that steps are taken to help prisoners re-integrate into the prison population, to ensure that prisoners do not remain in segregation long-term due to the adverse effects that prolonged solitary confinement can have on a person's mental and physical well-being.

The NPM welcomes the CPT's report and its recommendations. The NPM is committed to preventing torture and ill-treatment in its many forms and the relevant NPM bodies will consider the issues raised in the CPT's report in their inspection and monitoring work.

John Wadham, Chair of the National Preventive Mechanism

Care Inspectorate

Her Majesty's Inspectorate of Constabulary in Scotland

Her Majesty's Inspectorate of Prisons for Scotland

Independent Custody Visiting Scotland

Mental Welfare Commission for Scotland

Scottish Human Rights Commission