



UK National Preventive Mechanism

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**HM Chief Inspector of Prisons
NICK HARDWICK CBE**

Date: 5 March, 2014

Claudio Grossman
Chairperson of the UN Committee against Torture
Office of the UN High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10
Switzerland

Dear Mr Grossman

**Response of the UK National Preventive Mechanism to the CAT Committee
Concluding Observations on the fifth periodic report of the United Kingdom**

The UK National Preventive Mechanism (NPM) has discussed the concluding observation issued by the CAT Committee relating to concerns about the practice of seconding State officials working in places of deprivation of liberty to NPM bodies and the recommendation to end this practice (paragraph 14).

The UK National Preventive Mechanism agrees with the Committee against Torture about the need to safeguard its independence, and welcomes the focus on this issue during the review of the UK's implementation of the Convention against Torture. Members of the UK's NPM are committed to working to strengthen the actual and perceived independence of the mechanism in line with standards set by the Optional Protocol to the Convention against Torture.

Unlike most NPMs, the UK NPM is a multi-body mechanism, made up of 20 existing bodies with mandates and powers that are compatible with the functions of an NPM as established by OPCAT. The decision to designate these bodies as the UK's NPM acknowledged the UK's existing practice of independent monitoring of places of detention.

While the scope of work of some of the UK NPM members falls entirely, or almost entirely within that of OPCAT (such as Her Majesty's Inspectorate of Prisons, the Independent Monitoring Boards, the Independent Custody Visiting Association, Northern Ireland Policing Board Independent Custody Visiting Scheme), other NPM members (for

example the Care Quality Commission, Ofsted, the Regulation and Quality Improvement Authority, and the Scottish Human Rights Commission) operate across a range of settings or with powers that are much wider in scope than those under OPCAT.

Given this, UK NPM members will work towards making a clearer distinction between the human resources they apply to NPM activities and those applied to their broader functions. UK NPM members agree to work towards a reduction in their reliance on seconded staff allocated to NPM activities. Members have been encouraged to make more specific commitments in this regard if they feel this is appropriate.

In addition, the UK NPM will develop a set of principles to reduce the possibility of conflicts of interest of seconded staff across the NPM. This set of principles will be applied while members take action to reduce their reliance on seconded staff, and in the instances where NPM members find it impossible to find staff with the capabilities and professional knowledge necessary (Art.18.2 OPCAT) to fulfil their inspection mandate from outside the organisations that may be subject to inspection. This is of particular relevance to the inspection of health settings, which requires current clinical expertise usually gained only through working as health service providers themselves. In these specific instances, NPM members will account for the efforts they have made to source non-seconded staff, and to ensure adherence to the set of principles.

The UK NPM welcomes the Committee against Torture's recognition of the need to ensure that the NPM is adequately resourced, and considers that this recommendation should apply to the resourcing made available for each of the NPM members as well as the NPM as a whole.

Yours sincerely



Nick Hardwick
HM Chief Inspector of Prisons, on behalf of the UK's National Preventive Mechanism