



December 2020

Response of the National Preventive Mechanism of the United Kingdom of Great Britain and Northern Ireland to the Report of the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its report on its visit to the UK

The UK NPM welcomes the report of the Subcommittee on the Prevention of Torture (SPT) following its visit to the UK in September 2019. The support of the SPT has been very important to the NPM since the NPM was created in 2009 and the NPM continues to rely on its advice and help. The NPM also wishes to thank the members of the SPT delegation and secretariat who provided support as critical friends during the visit itself.

The SPT had a very difficult task to assess a 21 multi-body NPM which works across four nations and, unfortunately, the delegates were not able to visit Northern Ireland or Wales or to shadow the work of every NPM member. Nevertheless, the report will be very helpful in taking forward the work of the NPM and there have already been significant positive changes which are set out in the response below. The NPM looks forward to a continuing dialogue with the SPT in the future based on its report and this response.

This response is structured around the SPT's report recommendations and needs to be read in that context.

Section A. Institutional framework and mandate

Paragraph 39 - The Subcommittee considers that adoption of legislation regarding the NPM and its members is necessary in order for the UK to fully comply with its international obligations under OPCAT. The duties and powers of the NPM, led by an independent Chair and with formal recognition of the NPM's coordinating role, shall be embedded in a legislative text, and explicit references to NPM and OPCAT responsibilities should be incorporated in the members' own statutes. The SPT fully supports the NPM efforts in that regard and will continue to raise these concerns with the State Party.

1. The NPM welcomes the SPT recommendation that the duties and powers of the NPM should be enshrined in statute. The NPM also welcomes a recent Ministry of Justice (MOJ) consultation on changes to legislation to Arm's Length Bodies, which notably includes placing

the NPM on a statutory footing.¹ Discussions took place in August and September 2020 across the NPM to reach broad consensus on how to respond to this consultation. The NPM's submission in response to this consultation addressed key concerns raised by the SPT.² The NPM Secretariat will provide the SPT with information about how this process develops.

Paragraph 45 - The Subcommittee recommends the NPM to continue actively engaging with the State Party to gain unhindered and immediate access to all places of deprivation of liberty, defined in article 4 of the OPCAT. In this connection, the Subcommittee emphasises that the State shall allow visits to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue or with its consent or acquiescence. Therefore, any place in which a person is deprived of liberty or where a person might be deprived of liberty, should fall within the scope of the NPM.

2. The NPM acknowledges the need for unfettered access to independently visit and monitor all places of detention and stands ready to assist as needed to help establish this.
3. NPM members have to date made efforts to ensure that military detention facilities in the UK are within its remit and it has the necessary powers to monitor these facilities. The Independent Monitoring Boards (IMBs) have been in discussion with the Ministry of Defence regarding the monitoring of military detention facilities in the UK. The NPM Secretariat was also in correspondence with the SPT regarding advice on monitoring persons held in compulsory quarantine for reasons of public health protection.³
4. The NPM also notes with concern other places of deprivation of liberty which NPM members do not currently have coverage of, including unregulated accommodation for children deprived of their liberty through the inherent jurisdiction of the court.⁴ Relevant NPM members are currently determining the policy framework for these places of deprivation of liberty and, in some cases, are exploring possible avenues for independent monitoring to take place.
5. In addition, potential legislation for the NPM offers an opportunity to include UK-wide clauses that ensure coverage of all detention facilities including to address any unforeseen developments that may arise in the future (e.g. as per quarantine). This would need to occur in consultation with NPM members. The NPM urge the UK government to include provisions to deal with this gap in legislation to ensure better alignment with the key provisions of OPCAT.

¹ Ministry of Justice, September 2020, Consultation on 'Strengthening the Independent Scrutiny Bodies through legislation' <https://consult.justice.gov.uk/digital-communications/strengthening-the-independent-scrutiny-bodies/>

² UK NPM, September 2020, Submission to Ministry of Justice's Consultation on 'Strengthening the Independent Scrutiny Bodies through legislation', https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/09/UK-NPM-Response-to-MOJ-consultation_092020.pdf WEB.pdf

³ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, February 2020, Advice of the Subcommittee on Prevention of Torture to the National Preventive Mechanism of the United Kingdom of Great Britain and Northern Ireland regarding compulsory quarantine for Coronavirus, adopted at its 40th session (10 to 14 February 2020), <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/02/2020.02.25-Annexed-Advice.pdf-V2.pdf> [accessed 27/08/2020]

⁴ Children's Commissioner for England, November 2020, Who are they? Where are they?, <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/11/cco-who-are-they-where-are-they-2020.pdf> [accessed 27/11/2020]

Section B. Independence

Paragraph 51 - The functional independence of an NPM supposes that an NPM cannot be subject to any orders or instructions by any State authorities. The SPT recommends the NPM to continue proactively raising with the UK authorities the need for robust legislation as an essential safeguard for the NPM independence, effectiveness and credibility, both nationally and internationally.

Paragraph 55 - The Subcommittee recommends that the UK NPM continue striving for achieving functional independence, raising awareness of the Optional Protocol's obligation of independence, as well as advocating for a robust legislative basis, which ensures statutory guarantees of NPM independence.

6. The NPM acknowledges the need for legislation to ensure a statutory guarantee of functional independence. As previously stated, the current MOJ consultation which includes questions on the introduction of an NPM statutory footing provides the opportunity for some NPM members to seek changes to their legislation which reflect their OPCAT mandate. With reference to the principles of independence for specific NPM members raised by the SPT in paragraph 52 of their report, the recent MOJ consultation on changes to Arm's Length Bodies' legislation included proposals to put the national governance structure for IMBs and the Lay Observers Chair and National Council on a statutory footing. The MOJ states that these proposals aim to formalise these roles in statute, thereby increasing their legitimacy and authority and enabling a greater degree of independence from the MOJ. These changes would be in line with SPT recommendations providing members of the NPM with more functional independence. It is expected that NPM members will be in further discussions with the MOJ on the most effective and appropriate independent national structures to implement these changes.
7. In September 2019, Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) made a recommendation to the Scottish Police Authority to review their governance model relating to the Independent Custody Visiting Scotland (ICVS), in order to increase the scheme's independence.⁵

Paragraph 56 - The Subcommittee exhorts the NPM to continue taking internal measures to ensure that the independence of its personnel is rigorously safeguarded and constantly reinforced, inter alia, by reducing NPM members' reliance on staff seconded from places of deprivation of liberty, and enhancing transparency of the selection process of the NPM personnel.

8. The NPM agreed guidance on 'Ensuring the Independence of NPM Personnel' in 2015. The guidance states that the NPM should "work progressively towards a reduction in their reliance on seconded staff for NPM work. However, the NPM notes that NPM members control who is or is not employed by them and will continue to employ seconded staff where their expertise is useful in achieving the NPM's aims and the prevention of ill-treatment in detention. Seconded personnel bring up-to-date knowledge and extensive expertise to their monitoring role (which is

⁵ HMICS, September 2019, Thematic Inspection of the Scottish Police Authority, <https://www.hmics.scot/sites/default/files/publications/HMICS20190926PUB.pdf> [accessed 01/12/2020]

also a requirement under Article 18(2) of OPCAT). Therefore, NPM members will continue to strive for a balance in this regard. NPM members already have in place procedures to avoid conflicts of interest as a safeguard to preserve the independence of the NPM. To achieve this, however, they will work to establish a clearer delineation of staff assigned to NPM work, particularly among members whose work extends beyond the NPM mandate.”⁶ As has previously outlined by the NPM, in all cases decisions on secondment are made by the NPM member itself on the basis of their own assessment of the need for specific expertise and not by the government.⁷

9. The NPM also notes that progress was tracked on the use of secondees. The NPM reported that in 2014–15 four NPM members had reduced the overall number of secondees involved in NPM work. NPM members aim to conduct a similar monitoring exercise in 2020-21.

Section C. Human and financial resources

Paragraph 61 - The Subcommittee recommends that the NPM continue to engage in a proactive discussion with relevant authorities, in particular the Parliament and the Ministry of Justice, requesting an increase of financial and personnel resources, in particular for the NPM Secretariat.

Paragraph 62 - Bearing in mind that the OPCAT is unequivocal on the need for the State Party to allocate specific resources to NPM, so as to guarantee the operational independence of the mechanism, and that the Subcommittee guidelines on NPMs indicate explicitly that the mechanism should enjoy complete financial and operational autonomy, the Subcommittee recommends that the NPM as a whole, as well as 21 bodies composing the NPM, advocate for a specific earmarked allocation of funds to the functioning of the NPM.

10. The NPM acknowledges the need for financial and operational autonomy as well as increased budgets. The current MOJ consultation on changes to Arm’s Length Bodies’ legislation provides the opportunity for a more formal role for the NPM and its Chair and Secretariat including increased functional autonomy. This may provide a basis to further consider the necessary budgetary requirements which may result from legislative reforms.
11. With regard to the SPT’s recommendation that NPM members advocate for specific earmarked allocation of funds, the NPM believes that although the earmarking of an NPM budget may be simple to implement for some members, it would be very difficult for members whose OPCAT responsibilities only form a small part of their overall role. However, the UK NPM Secretariat will be working with members over the next twelve months to assess the difficulties and how those difficulties might be resolved.

⁶ UK NPM, 2015, Ensuring the independence of NPM personnel guidance for members of the UK National Preventive Mechanism, https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2015/05/NPM-guidance_Ensuring-the-independence-of-NPM-personnel.pdf

⁷ UK NPM, 2019, United Kingdom National Preventive Mechanism submission to the 66th session of the Committee against Torture, https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2019/03/UK-NPM_Submission-to-CAT-66.pdf

Section D. Visibility

Paragraph 69 - In light of the above, the SPT recommends that the NPM increase its institutional visibility as a collegial body, design a strategy for public sensitization of its OPCAT-mandated tasks and continue striving for a stronger coordination and a more cohesive work through strategic measures. These measures should reinforce the NPM's common values, in order to build the collective identity as one NPM of UK, through a proper legal framework.

12. The NPM accepts that its unique nature as a multi-body NPM presents distinct challenges for its institutional visibility and identity. However, many NPM members already have considerable and unique recognition across a wide-range of platforms and any work on NPM visibility must avoid undermining this. For example, HMI Prisons and CQC recently received nation-wide media coverage for thematic and annual reports on the treatment of and conditions for people in detention.⁸ Furthermore, the NPM's Scottish subgroup is very visible in several departments within the Scottish Government.
13. To work on the recommendation contained the paragraph 69, one of the NPM's four strategic goals is to "increase the visibility and awareness of the UK NPM's role in preventing ill treatment in detention". The NPM's 2020-21 business plan includes goals to improve public visibility by producing an annual report on NPM activities to Parliament, government and stakeholders and publicising NPM work and its impact through Twitter activity, the NPM website and media appearances.
14. The NPM has engaged in important work to increase its institutional visibility in recent months. In February 2020, the NPM appeared on an episode of Better Human, a podcast which documents positive human rights stories. Representatives from the IMB, MWCS and the NPM Secretariat discussed the important work done to monitor the treatment and conditions in prisons and places of mental health detention. There was also discussion about the wider international human rights framework that underpins the work of professional inspectors and volunteer monitors.⁹ The NPM Secretariat also recently produced two infographics to explain the role of the NPM and its membership, which have since been shared on Twitter. The NPM Secretariat has previously explored how to use the media and communications capacities within member organisations to facilitate greater visibility for the NPM collectively. The NPM aims to engage in more public facing work in 2020-21 as the Secretariat is now staffed by two full-time roles.
15. The NPM engaged in public facing work to raise its visibility in response to COVID-19. The NPM Secretariat collected regular information on members' responses to COVID-19 and

⁸ BBC, October 2020, Prisoners locked up for 23 hours due to Covid rules is 'dangerous', <https://www.bbc.com/news/uk-54607813> [accessed 29/10/2020]; The Guardian, October 2020, England's 'fragile' care sector needs immediate reform, says regulator, <https://www.theguardian.com/society/2020/oct/16/englands-fragile-care-sector-needs-immediate-reform-says-regulator> [accessed 29/10/2020]

⁹ Better Human Podcast, May 2020, The People Who Volunteer to go to Prison, <https://anchor.fm/better-human/episodes/26---The-people-who-volunteer-to-go-to-prison-eeqdaf>

updates to their monitoring work to include in regular Twitter updates. The NPM Chair and Chief Inspector for Prisons in Scotland also appeared in the Association for Prevention of Torture's 'Voices from the Field' video series to highlight the NPM's approach to monitoring during COVID-19.¹⁰

16. With regards to the SPT report's recommendation that the NPM strive for stronger coordination and more cohesive work, the NPM Secretariat has developed a range of information and training materials on the role of the NPM and OPCAT to explain the international human rights framework behind preventive monitoring. These new materials will be distributed in 2021 to NPM members to build and reinforce the knowledge of the NPM structure and the concept of prevention within member organisations.
17. In addition to this, the NPM welcomes the SPT's suggestions for enhancing its collective identity contained in paragraph 68 of its report. The NPM Secretariat will further consider the SPT's suggestions with its members before implementing any changes, particularly in light of the NPM's limited budget.
18. The NPM acknowledges that increasing its visibility would be significantly aided by action from the State Party, who have the power to support the work of the NPM by placing it on a statutory footing. As above (see paragraph 1 of the NPM's response), the NPM continues to strive towards being placed on a legislative footing and is working in collaboration with the UK Government in order to achieve this.

Paragraph 72 - The Subcommittee recommends that NPM continue to advocate for the adoption of legislation that will enable it to present its annual report in Parliament directly and to be accountable to Parliament for the implementation of its NPM mandate.

19. The NPM welcomes the SPT's recommendation, contained in paragraph 72 of the SPT visit report, that the NPM continue to advocate for the adoption of legislation that will enable it to present the NPM's annual report in Parliament directly.
20. With regard to the SPT's recommendation that the NPM be accountable to Parliament for the implementation of its mandate, the NPM Chair and Secretariat, in consultation with members, is in discussion with the UK Government regarding its line of accountability as part of the MOJ consultation on Arm's Length Bodies' legislation.

Section E. Cooperation

Paragraph 77 - The Subcommittee recommends that NPM of UK take steps to enhance its cooperation and channels of communication with CSOs, for example through an annual forum or other avenues, and strive to maintain a proactive dialogue with the civil society. Regarding concerns expressed by the NPM, the Subcommittee recommends that the NPM involve NGOs in its work in a transparent manner and strictly from the perspective of prevention of torture.

¹⁰ APT, 2020, Voices from the Field (webpage), <https://www.apr.ch/en/resources/publications/voices-field>

21. The NPM conducts considerable work with CSOs: both NPM members individually and the NPM's central coordination function engage in work with a range of CSOs, including NGOs and academics. The NPM accepts, however, that engagement with CSOs could be improved and will strive to build a closer relationship with organisations working on OPCAT-related issues in the future. The NPM's ability to do this on a more regular and formal basis is currently constrained by NPM Secretariat capacity and would be greatly enhanced by additional resourcing for the NPM Secretariat.
22. Despite these resource constraints, the NPM Secretariat frequently hosts stakeholders from across the world, attends and speaks at international conferences and expert meetings on OPCAT-related issues, shadows other countries' inspection and monitoring bodies, and contributes to work that strengthens the role of NPMs internationally. For example, in October 2020, the Head of the NPM Secretariat spoke on a panel regarding the work of the UK NPM and CSOs organised by the African Policing Civilian Oversight Forum. The NPM's central coordination function has also long enjoyed a productive working relationship with academics at the University of Bristol's Human Rights Implementation Centre (HRIC). Recent projects include consultation with HRIC, alongside other CSOs including NGOs and academics, on the NPM's response to the MOJ consultation on Arm's Length Bodies' legal status. With support from the NPM Secretariat, HRIC also organised a roundtable with UK NPM lay-visiting bodies to discuss their approaches to monitoring during COVID-19 as part of a larger funded research project.
23. The NPM considers the role played by lay visiting bodies to be a key aspect of the NPM's relationship with civil society. The NPM is incredibly proud of the democratic nature of many of its key members. It will continue to celebrate the fact that any citizen can join one of the NPM's lay-visiting bodies and then has the right to visit and monitor the treatment of those detained in the local police station, prison or immigration removal centre.
24. As well as the active role of volunteers within NPM members' fulfilment of OPCAT, the NPM also wishes to highlight the strong cooperative relationships between its individual member organisations and CSOs. An example from the NPM includes ICVA and the IMBs' ongoing work with the Criminal Justice Alliance (CJA). The CJA is carrying out thematic research into independent custody visiting focused on race and gender, in order to examine current practice and make recommendations where they are needed. They are also working with the IMBs to look at equality and diversity in women's prisons.
25. As well as co-operative work from lay visiting bodies, HMI Prisons regularly consults with civil society on its inspection methodologies. For example, HMI Prisons recently consulted with several NGOs to develop their Scrutiny Visits (SV) methodologies for short inspections at prisons and immigration removal centres during the COVID-19 pandemic.¹¹ HMI Prisons held two separate consultation meetings with NGOs, during which the SV methodologies (which were still in development) were discussed and extensive feedback was provided. HMI Prisons

¹¹ More information regarding HMI Prisons' SV methodology is available here:
<https://www.justiceinspectorates.gov.uk/hmiprison/about-hmi-prison/covid-19/scrutiny-visits/>

considered this feedback and amended the finalised SV methodologies accordingly. Following this consultation, HMI Prisons informed the NGOs who participated of the substantive changes that were made to the methodologies in light of their comments. In addition, HMI Prisons' publicly consult on any revised versions of their *Expectations* (the independent criteria which HMI Prisons inspect places of detention against and which are underpinned by human rights treaties and standards). These public consultations are open to submissions from civil society. All submissions received are considered by HMI Prisons and the finalised *Expectations* are amended accordingly.

Section F. Methodology

Paragraph 82 - The Subcommittee recommends the NPM to reinforce the preventive focus and to integrate human rights-based approach in its monitoring work, in order to contribute to systemic changes for the protection of persons from torture and ill-treatment.

26. The NPM understands that in order to ensure a preventive focus it must work to a wide-ranging set of standards when visiting and assessing places of detention to improve the treatment of and conditions for persons deprived of their liberty. That is the primary focus of all NPM members. As noted in paragraph 80 and 81 of the SPT's report, the NPM's wide-ranging set of standards must ensure that the existing national standards set by governments are improved. OPCAT is clear that an NPM must consider the standards or "norms" of the United Nations when carrying out visits to places of detention. In the NPM's 10th annual report, it provides a 'Spotlight on Prevention' which reflects guidance on preventive monitoring developed by the SPT and the Association for Prevention of Torture.¹²
27. In order to reinforce the preventive focus and ensure a human rights-based approach is fully integrated into its monitoring work, the NPM will be carrying out a thematic project on the prevention of torture and ill-treatment in the near future. The NPM will begin this project in early 2021 and will provide the SPT with updates on the project's focus. Although the substantive work is yet to begin in earnest, the project will look to incorporate the following:
 - Human rights guidance and authoritative written materials on prevention from human rights bodies, such as the SPT, relevant stakeholders and experts;
 - Examples from across the NPM on existing preventive practices to illuminate members' understanding of a preventive approach to monitoring and inspecting places of detention;
 - Information and feedback from stakeholders, including experts by experience;
 - The project will result in advisory guidance and training materials produced by the Secretariat for NPM members on preventive monitoring.

Paragraph 103 - While noting that harmonising a great variety of methodologies across 21 bodies of the NPM would be difficult to achieve, even in a long term, the Subcommittee recommends that the NPM strive to ensure that all its members incorporate the requirements of the OPCAT into their working methods.

¹² UK NPM, 10th Annual Report 2019-20, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/03/NPM-Annual-Report-201819-WEB.pdf>

Paragraph 104 - The Subcommittee also recommends that the NPM conduct a lessons learned exercise to take stock of the existing methodology, and continue adjusting and reviewing the working methods and practices of NPM members as it endeavours to harmonize the methodology and to fulfil its mandate in the most efficient manner.

28. While acknowledging the variety of settings NPM members operate in, the NPM recognises the importance of all NPM members' different working methods being designed to follow the OPCAT framework, as noted in paragraph 103 of the report. The NPM accepts the SPT's recommendation that it should strive to ensure OPCAT requirements are incorporated into all of the members' methodologies. The NPM Secretariat intends to analyse and reflect on NPM members' methodologies as part of the aforementioned thematic project on prevention. The NPM notes the SPT's comments that harmonising the work of NPM members in line with an international human rights framework requires that members co-operate for the effective discharge of their OPCAT mandate. This includes exchanging relevant information, sharing monitoring approaches and expertise and engaging in cross-sector learning. The possibility of legislation for the NPM, as noted above, also raises the possibility, promoted over the last few years by the NPM, that the key provisions of OPCAT, including the prevention of ill-treatment, will be included in the legislation of every one of its 21 members.
29. In this regard, the NPM would like to draw the SPT's attention to the NPM's work to incorporate the requirements of OPCAT and international guidance in the context of monitoring places of detention during COVID-19. COVID-19 restrictions in the community and in places of detention required NPM members to re-visit their methodologies to ensure they continued to exercise their OPCAT mandate whilst also committing to the principle to 'do no harm'. Guided by the SPT's advice and international human rights guidance to NPMs on monitoring during COVID-19,¹³ NPM members developed new approaches to monitoring places of detention. In April 2020 the NPM published a Factsheet to showcase the new working methods of some NPM members.¹⁴ NPM members shared their new approaches to monitoring at NPM business meetings and subgroup meetings.
30. In relation to the SPT's recommendation in paragraph 104, the NPM intends to resume its self-assessment process as part of a 'lessons learned' activity. In previous years, the NPM

¹³ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, February 2020, Advice of the Subcommittee on Prevention of Torture to the National Preventive Mechanism of the United Kingdom of Great Britain and Northern Ireland regarding compulsory quarantine for Coronavirus, adopted at its 40th session (10 to 14 February 2020), <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/02/2020.02.25-Annexed-Advice.pdf-V2.pdf> [accessed 27/08/2020]; Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, March 2020, Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic (adopted on 25th March 2020), <https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf> [accessed 27/08/2020]

¹⁴ UK NPM, April 2020, Factsheet: The UK National Preventive Mechanism – preventing ill-treatment in the context of COVID-19, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/04/WEB-NPM-member-approaches-for-website-.pdf> [accessed 27/08/2020]

Secretariat circulated a detailed self-assessment to NPM members annually. The NPM Secretariat intends to re-visit the self-assessment questionnaire and modify certain questions to bring the document more in-line with this report's observations and recommendations on the NPM's working practices. The self-assessment will include questions to analyse the methodologies used by each NPM member.¹⁵

Paragraph 105 - In light of the above, the Subcommittee recommends that the NPM of the UK to:

- a) ensure that their working practices are consistent with standards for preventive monitoring;*
- b) in case of Lay NPM entities, conduct training to ensure consistency in the methodology of volunteers and lay observers from the moment of selection;*
- c) realize cross-institutions trainings and exchanges across different NPM bodies;*
- d) establish and use the referral system for individual complaints, which should not be handled by the NPM; and*
- e) enhance multidisciplinary through improved composition of the visiting teams, as well as coordination and joint inspections across NPM bodies;*

31. The NPM welcomes the SPT's comments on NPM members' monitoring methodologies in paragraphs 83 to 102 of this report. The NPM is pleased that, during the SPT's visit to the UK, the delegation was able to shadow six of the NPM's 21 members on visits to places of detention. These members included HMI Prisons, HMICS, ICVA, the IMB, the Lay Observers and CQC.
32. In relation to the recommendation in paragraph 105 (a) and as highlighted in paragraph 28 of this response, the NPM intends to carry out a joint-NPM thematic project on prevention, with advisory guidance and training materials to broaden the NPM's approach to monitoring places of detention.
33. In response to the recommendation contained in 105 (b) ICVA produces induction materials for all incoming independent custody visitors to visit those in police detention, which includes information on the role of the NPM and OPCAT. While all schemes are strongly encouraged to use the ICVA materials to train new volunteers, currently member schemes are not mandated to do so, other than in the case of those held under the Terrorism Act 2000. The ICVA training for TACT independent custody visitors is mandated within the Code of Practice (which is the statutory instrument governing independent custody visiting). ICVA is in the process of working towards changing the Code of Practice, and any review will certainly give consideration to the SPT recommendation and consult on mandatory training across all types of police.
34. The IMBs have developed remote training materials and delivery methods during the COVID-19 pandemic, and this is proving extremely successful in providing innovative and modular learning and development for members. In addition, the IMB's new National Monitoring

¹⁵ UK NPM, 2015, Self-assessment of the UK NPM, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2015/08/UK-NPM-self-assessment-write-up.pdf>

Framework, which is to be published in due course, specifically references the NPM and OPCAT responsibilities,

35. Lay Observers have extended the current training programme through a 'Members' Pathway' which will cover every aspect of the role for prospective applicants, new appointees and their induction period and continuous professional development for all members. This Pathway will provide a range of materials and be supported with an e-learning online set of resources and include regular quality assurance of written reports. There are also quarterly regional training activities to keep members up-to-date.
36. In relation to the recommendation contained in paragraph 105 (c), the NPM's 21 members engage with each other on visits in a variety of ways. The NPM is committed to sharing knowledge and expertise across its membership and aims to continue practices to realise cross-institutional exchanges through its subgroup and business meeting forums. In early March 2020, the NPM members based in Northern Ireland (CJINI, IMBNI, RQIA and NIPBICVS) met to discuss the possibility of setting up a Northern Irish sub-group to improve the collaborative working between the NPM bodies in the region. At this meeting, members highlighted the need to work together to ensure Ministers and Executive departments in Northern Ireland with responsibility for places of detention were delivering quality services and compliant with human rights obligations. The NPM aims to continue working to find ways in which members can learn from each other, in line with the NPM's first strategic objective: "Working together as members of the NPM to strengthen the protection of those in detention in the UK."
37. Further, the NPM's Scottish sub-group, made up of the six NPM Scottish members (CI, HMICS, HMIPS, ICVS, MWCS, SHRC), continues to be an active forum for information sharing and collaborative working. Now supported by a 0.5 FTE NPM Scottish Assistant Coordinator funded by the Scottish Government, the Scottish sub-group has produced its own 2020-21 work plan as it looks to take a more strategic approach to its activities. This includes more regular meetings and proactive engagement with Scottish Ministers and government officials. In October 2020 the subgroup agreed to work together on its first joint-thematic piece of work. The topic for this project is still to be decided.
38. In response to the recommendation contained in 105 (d) in prisons in England and Wales the current process for submitting an individual complaint in prisons involves completing a complaint form which is submitted to detention authorities. A complaint can be appealed. After this process has been exhausted, prisoners are able to contact the Prisons and Probation Ombudsman to make a formal complaint to be independently investigated. In Scotland, prisoners can make complaints to the Scottish Public Services Ombudsman. IMBs have a statutory duty to receive and respond to applications (requests and complaints) from prisoners and detainees. This direct feedback gives boards valuable qualitative and quantitative evidence which contributes to monitoring findings and helps identify themes and trends relating to conditions and treatment in individual establishments.

39. In response to the recommendation contained in 105 (e) ICVA acknowledges the challenges of a multidisciplinary approach with volunteer visitors. ICVA, as the representative of these locally administered schemes, has increased its work with HMI Prisons and HMICFRS. The result of this work has improved co-ordination exponentially between the inspectorates and the local volunteer schemes, with HMI Prisons and HMICFRS consulting with scheme managers during inspections, and ICVA passing back information of note for monitoring to schemes. ICVA also shares pertinent points from inspections with stakeholders. In addition, during COVID, HMI Prisons and the IMBs have been exchanging information more regularly in the course of the Inspectorate's scrutiny visits and in presenting information to HMPPS and the UK Parliament.

Paragraph 107 - The Subcommittee recommends that the national preventive mechanism always consider that there is a risk of intimidation, sanctions or reprisals, and therefore take steps to address that risk. In addition to the precautions mentioned above, the mechanism should clearly inform the authorities that reprisal of any kind is impermissible, will be reported to respective authorities and will be followed up by the mechanism. The manner in which the Subcommittee addresses the issue of reprisals and sanctions is set out in CAT/OP/6/Rev.1.

40. In response to the recommendation contained in paragraph 107, the NPM accepts the SPT's recommendation that the risk of intimidation, sanction or reprisal for detainees is always considered by NPM members. It is the NPM's view that this risk is clearly communicated to both authorities and people in detention and is guided by protocols on the issue.¹⁶ For example, HMI Prisons includes details of their process for dealing with sanctions on the surveys given to people in detention at the start of an inspection. Details of the sanctions protocol are included on posters put up by HMI Prisons during an inspection. HMI Prisons also work to regularly remind staff about sanctions and provide training on the issue to new staff. Furthermore, NPM members are currently discussing how to deal with allegations of abuse where the person in detention fears sanctions.

¹⁶ UK NPM, 2016, Protocol between HMI Prisons, IMB and PPO on sanctions, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2016/02/Sanctions-protocol2.pdf> ; UK NPM, 2016, Protocol between HMI Prisons and HMICFRS on sanctions, <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2016/03/HMICFRSHMIP-sanctions-protocol-2017.pdf>