



## Invitation to Tender

### Scotland's progress in the prevention of ill-treatment in places of detention

The National Preventive Mechanism invites interested parties to submit a proposal to produce a report reviewing progress made in Scotland on the prevention of ill-treatment in detention settings. This report should be written in light of recommendations made by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in the reports on their visits to the United Kingdom in both 2018 and 2019, as well as taking into account the broader context in which COVID-19 has impacted on this environment.

#### **Background**

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 CPT is an international body with a role to prevent ill-treatment through conducting visits to places of detention. The UK NPM work closely with the CPT during their formal visits to the UK and in response to their recommendations and standards for places of detention.

In October 2018, a delegation from the CPT visited five prisons and five police stations in Scotland. The delegation paid attention to:

- the treatment of women prisoners;
- segregation units in prison;
- and, the treatment of detainees in police custody.

In October 2019, the CPT carried out an ad-hoc visit to men's and women's prisons in 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.

The CPT published their [report](#) on their 2018 visit in October 2019 and their [report](#) on their 2019 visit in October 2020, together with the responses to the reports of the UK Government and the UK NPM.

In their responses to both CPT reports, the Scottish Government agreed a number of actions aimed at strengthening the protections for people in detention in Scotland. Since then, detention authorities have had to focus on reducing the impact of COVID-19 in places of detention.

The outbreak of COVID-19 poses significant risks to people in detention and otherwise deprived of their liberty. The World Health Organisation (WHO) has stated that “people in prisons and other places of detention are not only likely to be more vulnerable to infection with COVID-19, they are also especially vulnerable to human rights violations”<sup>1</sup>. In March 2020, the CPT published its statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus (COVID-19) pandemic which includes that the fundamental right of detained persons must be respected during the pandemic. Measures put in place to prevent higher transmission of COVID-19 in Scottish prisons and young offender institutions has negatively affected prisoner progression, family contact and the time out of cell including access to showers, outdoor exercise, work and education, with the impact of greater isolation yet unknown. Despite efforts to reduce the prison population through the Short-term Prisoner Release scheme, there is a risk of a return to previous levels and overcrowded prison as court activity resumes. In police custody, there has been evidence of restricted access to solicitors, as well as basic human rights such as showers and washing facilities. While the introduction of virtual courts has been largely positive, the roll-out has presented some difficulties which require to be fully worked through. Increased isolation and the suspension of visits was also observed in secure accommodation for children, while in mental health detention facilities, there was increased day time confinement and considerable delays in discharging and transferring patients between low, medium and high-secure settings.

### **Main aims**

This contract requires the delivery of a report which includes 4 key areas. These are outlined below:

1. The progress made in Scottish places of detention to rectify the issues identified by the CPT in their 2018 and 2019 reports, as well as emerging concerns in the context of COVID-19.
2. Areas of continued concern in relation to the CPT recommendations.
3. Whilst the main focus of the report should be the areas as outlined in (1) and (2), in the course of the research, there may be areas of concern which come to light in other detention settings in Scotland, which were not covered by the CPT visits. These should also be outlined in the report findings.
4. Targeted recommendations for key stakeholders. This should include the Scottish Government and service providers as well to the NPM and its members, about key issues to focus on in future inspection, monitoring and thematic work.

The final report should be 10,000-15,000 words and be of publishable standard with key findings and recommendations highlighted clearly and succinctly.

### **Methods**

It is expected that this will be a desk-based exercise which may also include qualitative methods, in the form of interviews with Scottish NPM members. The NPM and its members will provide information and insights as required (for example including relevant evidence relating to progress made in implementing

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<sup>1</sup> WHO Europe, Preparedness, prevention and control of COVID-19 in prisons and other places of detention: interim guidance, 15 March 2020, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/434026/Preparedness-prevention-andcontrol-of-COVID-19-in-prisons.pdf](http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-andcontrol-of-COVID-19-in-prisons.pdf)

the CPT's recommendations) and will be available for consultation throughout the evidence gathering and reporting writing process.

### **Timeline**

The timeline for delivery is subject to agreement but the interim version of the report must be delivered no later than the 14<sup>th</sup> March. The final report must be presented following review from the NPM no later than 31<sup>st</sup> March 2021.

### **Application Information**

Applicants are requested to submit proposals for this work which include:

- a statement of the qualifications and relevant experience of those applying to compile the review (please attach a short CV summarising most relevant experience)
- an example of similar previous work undertaken
- a project proposal including a description of the methods the applicant would use to approach this work alongside a proposed timeline, including start and completion dates
- the proposed budget and a breakdown as to how this will be spent (guide price £10,000)

The deadline for receipt of applications is 31<sup>st</sup> January 2021. Applications should be no longer than four pages (12 point, standard space, excluding appendices). Applicants may be contacted by email or telephone to clarify their proposal.

Shortlisting will take place the week of 1<sup>st</sup> February 2021 and shortlisted candidates will be invited to meet a selection panel on 8<sup>th</sup> February 2021. This meeting should include a short presentation by the candidate, followed by questions from the panel.

All applicants will be informed of the final decision by close of play 8<sup>th</sup> February 2021, with work to commence immediately.

Please send applications and/or any questions related to this invitation to tender to Ewan Patterson, NPM Scottish Assistant Coordinator ([Ewan.Patterson@gov.scot](mailto:Ewan.Patterson@gov.scot)).

### **Assessment of Applications**

The NPM will assess the merits of each application. Each proposal will be assessed and the successful application will be the proposal considered to be of the highest quality which best fulfils the criteria set out below:

- Knowledge of detention settings and/or broader human rights research and policy (it would be desirable for the candidate to have knowledge of the Scottish context but this is not essential) as well as previous relevant research/ publication in this thematic area;
- Understanding of the issues being addressed and the requirements of the outputs;
- Evidence of capacity, experience and skills required to undertake the proposed work including achieving desired outcomes;
- The proposal of a realistic timeframe for the work;
- Evidence of previous harmonious working relationships with contractors;
- Evidence of previous high quality written work;
- The proposed budget compared to the funds available.

### **Decision Notification**

The NPM is not bound to accept any application.

Shortlisted prospective contractors may be required to make a proposal presentation before a final decision is made with regard to awarding a contract.

All those who have been involved in the tendering process will be informed in writing or by telephone. Feedback can be provided to unsuccessful shortlisted applicants on request.

### **The Briefing Meeting**

Prior to the provision of a signed contract, a briefing meeting will be held between representatives from the NPM and the successful applicant in order to:

- Clarify the roles and responsibilities of the applicant and the NPM and establish a working relationship;
- Confirm a common understanding of the planned work and realistic expectations of the project;
- Clarify the aims and objectives and discuss any proposed changes to the submitted proposal;
- Provide the applicant with any additional information required;
- Reach a consensus regarding quality standards and expected outcomes (i.e. reports, executive summary etc);
- Agree the terms of a contract;
- Discuss and finalise an agreed timetable for the work and required outcomes.

### **The Contract**

The contract will contain information regarding the terms and conditions for the specific piece of work being commissioned. A template contract will be personalised through negotiation with the successful applicant and signed by both parties.

The contract will cover:

- The agreed scope of the work;
- A timetable for the work and payment schedule;
- A statement regarding copyright and ownership of any outputs;
- Arrangements for approval of any sub-contracting;
- The law applicable to the contract.