



HM CHIEF INSPECTOR OF PRISONS FOR SCOTLAND

Standards Used in the Inspection of Prisons in Scotland

HM CHIEF INSPECTOR OF PRISONS FOR SCOTLAND

Standards Used in the Inspection of Prisons in Scotland

© Crown copyright 2006

ISBN: 0-7559-5143-3

Scottish Executive
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Executive by Astron B47266 07/06

Published by the Scottish Executive, August, 2006

Further copies are available from
Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS

The text pages of this document are printed on recycled paper and are 100% recyclable

CONTENTS

Chapter	Page
1. FOREWORD	1
2. THE BASIS FOR THE STANDARDS	2
3. THE IMPORTANCE OF INDEPENDENT INSPECTION OF PRISONS	6
4. THE DUTIES OF THE CHIEF INSPECTOR OF PRISONS	7
5. THE FORMAT OF THE STANDARDS	11
6. OUTCOMES, STANDARDS AND INDICATORS	13
6.1 Safety	13
6.2 Decency, Humanity and Respect for Legal Rights	20
6.3 Opportunities for Self-Improvement and Access to Services and Activities	37
ANNEX 1 GLOSSARY OF ACRONYMS	46

1. FOREWORD

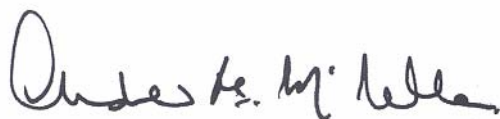
I am pleased to be able to publish these standards used in the inspection of prisons in Scotland. They represent a significant step towards the demonstration of consistency and transparency.

Scotland is very unusual in having independent inspection of prisons. Many other countries have no system of prison inspection: of those that do, inspection is usually carried out by prison officials or by judges. In Scotland, the Chief Inspector is independent of the Scottish Prison Service and of the Scottish Executive.

These standards reflect the independence of the inspection of prisons in Scotland. They have been developed from the actual practice of such inspecting. While the basis for these standards is rooted in international human rights treaties and conventions and in prison rules, they are our own standards.

The publication of these standards is designed to enable prisoners and prison staff to understand the main areas to be examined in the course of an inspection and what would be expected in each area; and to provide assurance to Ministers and the public that inspection is being carried out within a consistent framework and that measurements are being made against appropriate standards.

I am grateful to all those who have helped in the production of this document. In particular, I am grateful to Professor Andrew Coyle and the staff of the International Centre for Prison Studies: they have done much of the work involved in arranging in this written and systematic form the standards we already use in inspecting prisons.



ANDREW R C McLELLAN
HM Chief Inspector of Prisons

2. THE BASIS FOR THE STANDARDS

Introduction

Prison is an unusual environment in that it is one of the few places where men and women who are of sound mind can legally be detained against their will. In Scotland, as in all other European countries, the use of prison is the ultimate expression of society's disapproval for someone's actions. Imprisonment and the conditions in which it is imposed must always have a sound basis in international, regional and domestic law.

International

There is a number of international standards relating to imprisonment. These have been agreed by the international community, usually through the United Nations. Some of them, since they are covenants and treaties, have the authority of legislation in those countries which have ratified them. It is important to note that the authority of these international laws is not imposed on any country against its will. Sovereign states have to accede to these international obligations by their own choice. In doing so, they accept an obligation to honour them.

The main binding international treaties are the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. There is also a treaty aimed at the prevention of different forms of discrimination, the *International Convention on the Elimination of All Forms of Racial Discrimination*, as well as one on the rights of women, the *Convention on the Elimination of All Forms of Discrimination against Women* and one defining the rights of children, the *Convention on the Rights of the Child*. Another treaty, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, prohibits any form of these activities. The United Kingdom has ratified all of these treaties and so is legally bound to observe all of their articles.

There is also a range of United Nations standards relating to the administration of justice. These do not have the force of law but since they have all been approved by the General Assembly of the United Nations they carry great authority and are generally accepted as

standards towards which every country should strive. Those which have relevance to the treatment of prisoners include:

- *The Standard Minimum Rules for the Treatment of Prisoners*
- *The Basic Principles for the Treatment of Prisoners*
- *The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*
- *The Rules for the Protection of Juveniles Deprived of their Liberty*
- *The Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
- *The Code of Conduct for Law Enforcement Officials*
- *The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*
- *The Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*

Regional

The international standards are supplemented by a number of regional human rights standards for Europe. Those which have the force of treaty law in the United Kingdom include the *Convention for the Protection of Human Rights and Fundamental Freedoms* (known as the European Convention on Human Rights) and the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*.

In addition, the Committee of Ministers of the Council of Europe has adopted a number of Recommendations on prison issues. This is the approved mechanism in the Council of Europe by which standards are recommended to member states for implementation. They include:

- *Recommendation (89) 12 on education in prison*
- *Recommendation (92) 16 on the European Rules on community sanctions and measures*
- *Recommendation (93) 6 concerning prison and criminological aspects of the control of transmissible diseases including AIDS and related health problems in prisons*

- *Recommendation (97) 12 on staff concerned with the implementation of sanctions and measures*
- *Recommendation (98) 7 concerning the ethical and organisational aspects of health care in prison*
- *Recommendation (99) 22 concerning prison overcrowding and prison population inflation*
- *Recommendation (2000) 22 on improving the implementation of the European Rules on community sanctions and measures*
- *Recommendation (2003) 22 on conditional release (parole)*
- *Recommendation (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners*
- *Recommendation (2006) 2 on the European Prison Rules*

Within the member states of the Council of Europe the observance of human rights standards in places of detention is monitored by the *Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*. The Committee, known as the CPT, consists of one member appointed by each of the 46 member states of the Council of Europe and has authority under the *Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* to inspect every location in member states where people are deprived of their liberty. After each visit to a country the CPT submits a confidential report to the government concerned. It then invites the government to give the CPT approval to publish the report along with the government's response to it. Since 1990 the CPT has visited Scotland twice, once in May 1994 and again in May 2003. The reports on these two visits were published as CPT/Info (96) 12 and CPT/Info (2005) 1.

The European Court of Human Rights (ECtHR) is a useful reference point for measuring the extent to which individual European states implement international standards. In terms of the European Convention on Human Rights the ECtHR can consider and issue judgements on complaints against member states brought to it by individuals. Over the years, the ECtHR has issued a number of significant judgements on prison issues. Until 1998 applicants in the United Kingdom had to pursue cases at the Court in Strasbourg. In 1998 the UK Parliament enacted the Human Rights Act, which incorporated the European Convention on Human

Rights into domestic legislation. An immediate consequence of this Act was that UK citizens were able to take up cases under the Convention in domestic courts.

Before the Human Rights Act came into force, the Scotland Act 1998 placed both the Scottish Parliament and the Scottish Executive under a legal duty to comply with the terms of the Convention in the exercise of their powers and functions. This applied as soon as they assumed their powers, which for most purposes was 1 July 1999.

Domestic

Prisons and their use are governed in all countries by national legislation. In Scotland the primary legislation is the Prisons (Scotland) Act 1989, as amended by the Scotland Act 1998, while the secondary legislation is contained in the Prisons and Young Offenders Institutions (Scotland) Rules 2006.

Summary

The standards set out below derive from this large body of legislation, guidance and case law. References to the source of the standards in both international and domestic law are provided throughout.

In brief, the standards for the treatment of prisoners worldwide all derive from Article 10 of the United Nations International Covenant on Civil and Political Rights, which states:

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

3. THE IMPORTANCE OF INDEPENDENT INSPECTION OF PRISONS

Prison inspection is an important part of demonstrating compliance with this body of international standards. The international human rights instruments require that a system of external monitoring and control of prisons should be established. Some body or bodies not under the same administrative authority as the prison system should be able to inspect the conditions of imprisonment, assess whether there is ill-treatment, and report on their findings to a part of government that has the power to act on their findings.

UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 29:

1. *In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.*
2. *A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.*

UN Standard Minimum Rules for the Treatment of Prisoners, Rule 55:

There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

There are several reasons for this requirement about independent inspection. Prisons are by nature closed institutions, often far from the public eye, where one group of people has considerable power over another group. However well prisons are run, the potential for abuse is always present. The strong possibility that abuses will eventually be uncovered is also a protection for prison staff who want to resist a culture of ill-treatment and inhumanity but who may be under pressure from other staff. The publication of inspectors' reports keeps prisons and prison conditions in the public and political eye.

4. THE DUTIES OF THE CHIEF INSPECTOR OF PRISONS

Following a recommendation contained in the May Report of 1979¹, a new Crown appointment of Her Majesty's Chief Inspector of Prisons for Scotland was created and the first incumbent took up post on 1 January 1981. The new appointment was announced by means of a circular issued to Governors of all Scottish prisons by the Director of Prisons for Scotland².

The May Report of 1979 also recommended that its proposed "distanced" inspectorate should be headed either by a person who was entirely independent of the civil service or by a former senior prison governor. The Secretary of State for Scotland and more recently the Scottish Ministers have always taken the first of these options, with one exception when a retired senior civil servant was appointed. These "lay" appointments, as they are sometimes described, are generally seen to have been helpful in establishing the independence of the Chief Inspector.

The Chief Inspector is assisted by a Deputy Chief Inspector, an Assistant Chief Inspector, an Inspector, and a Personal Secretary. This core team is augmented by experts from other specific areas: HM Inspectorate of Education, the Social Work Inspection Agency, and NHS Quality Improvement Scotland. Other experts and lay inspectors are involved as required.

The role of the HM Chief Inspector of Prisons (HMCIP) was placed on a statutory basis by the Prisons (Scotland) Act 1989. Section 7 of the Act³ states:

7. (1) Her Majesty may appoint a person to be Chief Inspector of Prisons for Scotland.

(2) It shall be the duty of the Chief Inspector:

⁴[(a)] to inspect or arrange for the inspection of prisons in Scotland and to report to the Secretary of State on them⁵ [; and

¹ May Report (1979) Report of the Committee of Inquiry into the United Kingdom Prison Services, HMSO, Cmnd 7673

² Circular No. 21/1981 (Miscellaneous), issued on 24 February 1981

³ As amended by the Criminal Justice and Public Order Act 1994

⁴ Word inserted by the Criminal Justice and Public Order Act 1994 (c.33), section 103(2)(a)

⁵ Words inserted by the Criminal Justice and Public Order Act 1994 (c.33), section 103(2)(b)

- (b) to inspect the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements (within the meaning of section 102 of the Criminal Justice and Public Order Act 1994) and to report to the Secretary of State on them.]
- (3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.
- (4) The Secretary of State may refer specific matters connected with prisons in Scotland and prisoners in them to the Chief Inspector and direct him to report on them.
- (5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.
- (6) The Chief Inspector shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.
- (7) In this section, references to prisons include legalised police cells within the meaning of section 14(1) of this Act.

Within the Scottish Prison Service there are 15⁶ individual prison establishments and it is the aim of the Inspectorate to carry out a full inspection of each of these establishments once every three years. Each full inspection normally lasts one week. Following each inspection a report is prepared, which is submitted to the Scottish Ministers and published. In addition to the programme of full inspections, follow up inspections – which normally last one or two days – are undertaken.

Since 1985 HMCIP has also carried out a number of cross-cutting inspections on themes or areas of concern which are common to several prisons. The ten thematic inspections have

⁶ HMP Castle Huntly and HMP Noranside are collectively referred to as ‘the Open Estate’ and SPS group them together for administrative purposes.

covered issues such as female prisoners, children in prison, remand prisoners, visiting arrangements, social work in prisons, persons detained under immigration legislation and ethnic minority prisoners and staff training. The Chief Inspector also produces an Annual Report which is presented to the Scottish Ministers and laid before Parliament.

HMCIP also undertakes inspections of legalised police cells. These are cells in a number of police stations, usually distant from a prison, where prisoners may legally be held for short periods while awaiting trial or immediately after conviction. They are unique to Scotland.

HMCIP has responsibility for the inspection of the treatment of and conditions for prisoners under escort.

In 2004 HMCIP and the Chief Executive of the Scottish Prison Service agreed an updated set of arrangements for the process and conduct of inspections⁷. This included the following arrangements for inspecting prisons:

HM Chief Inspector will conduct regular inspections of individual prison establishments and legalised police cells in Scotland. The scope, focus and content of any inspection will be decided by HMCIP, taking into consideration the particular circumstances relating to any given establishment at the time of inspection. It is expected that any inspection and subsequent report will cover:

- Physical conditions prevailing in an establishment;
- Treatment of prisoners;
- Facilities, services and opportunities available to address offending behaviour and the accessibility of these;
- Preparations in place for returning prisoners to the community;
- Any other relevant matter as the Minister for Justice may direct or HMCIP may choose.

The agreement listed the following general principles of inspection:

⁷ SPS Governors & Managers Advice: Guidance for the conduct of inspections by HMIP, reference 27A/04, issued 14 July 2004

- In carrying out inspections and in preparing reports, HMCIP will be independent of political influence, the Scottish Executive Justice Department, the Scottish Prison Service and Governors-in-Charge of establishments.
- Inspections and the reports resulting from them will be balanced, fair and open.
- In inspecting and reporting upon the treatment of prisoners and the conditions within prisons, inspections will make assessments against standards which have been clearly defined.
- Strategic and relevant documentation will be provided by Governors-in-Charge and SPS Headquarters to HMCIP on request.
- Confidential information supplied will be treated as such.
- Each inspection should be responsive to an establishment's individual circumstances.
- HMCIP will attempt to keep disruption to normal regime activities to a minimum.
- The inspection team will give clear oral feedback to senior management.
- A report to the Minister for Justice will be produced which will identify main points for action by the individual establishment and/or SPS, and highlight areas of good practice.

5. THE FORMAT OF THE STANDARDS

It has already been demonstrated that the standards which the Chief Inspector applies when inspecting prisons are not a matter of subjective opinion but have an objective basis. The Chief Inspector is not concerned primarily by the processes through which things are done. Instead he is concerned with outcomes, that is, what is achieved by the way Scottish prisons carry out their responsibilities.

The standards are presented in three separate sections. This division is not watertight; for example, healthcare is a matter which has great importance in all three sections and could be located in any of them; and many other matters dealt with in one section have relevance to the other two.

The three sections are:

- **Safety**
Security, good order, protection of prisoners from harm.
- **Decency, humanity and respect for legal rights**
All aspects of the treatment of prisoners and the framework of rights within which imprisonment should operate.
- **Opportunities for self-improvement and access to services and activities**
The activities provided by the prison, the ethos, measures taken to solve the problems that led the prisoner into crime, preparation for release and social reintegration.

In each of these sections general principles are described and individual outcomes defined. The individual standards which will lead to the required outcomes are listed. Finally, a set of indicators to measure delivery of the standards is provided.

In developing this model, account has been taken of international and national case law and of the recommendations of intergovernmental, governmental and non-governmental committees and bodies although in many cases they are not referred to directly.

A total of nine outcomes are identified:

- **Appropriate steps are taken to ensure that individual prisoners are protected from harm by themselves and others**
- **Prisoners are treated with respect for their dignity while being escorted to and from prison, in prison and while under escort in any location**
- **Prisoners are held in conditions that provide the basic necessities of life and health, including adequate air, light, water, exercise in the fresh air, food, bedding and clothing**
- **Prisoners are treated with respect by prison staff**
- **Good contact with family and friends is maintained**
- **Prisoners' entitlements are accorded them in all circumstances without their facing difficulty**
- **Prisoners take part in activities that educate, develop skills and personal qualities and prepare them for life outside prison**
- **Healthcare is provided to the same standard as in the community outside prison, available in response to need, with a full range of preventive services, promoting continuity with health services outside prison**
- **Appropriate steps are taken to ensure that prisoners are reintegrated safely into the community and where possible into a situation less likely to lead to further crime**

6. OUTCOMES, STANDARDS AND INDICATORS

6.1 Safety

Principles

Safety is the first issue considered by the Inspectorate. In the first place this includes the right to life. In the context of prisons it means that the State has a specific responsibility that, with the exception of natural causes, it should take appropriate steps to ensure that no prisoner should die in its care, either at his or her own hand or at the hand of another. It also includes an obligation on the State to ensure that everyone whom it detains is properly cared for.

Safety, coupled with security and good order, encompasses many aspects of the obligations on a prison system which strives to meet international and domestic standards.

The right to life

Article 2 of the European Convention on Human Rights (Schedule 1 of the Human Rights Act 1998) guarantees the right to life. The UK Parliamentary Joint Committee on Human Rights has emphasised that there is a close link between the right to life and the duty of care:

Article 2 imposes on States, not only a negative duty not to take life intentionally or negligently, but also a positive duty to safeguard life⁸.

Case law makes it clear that the duty of care linked to the positive obligation to protect life comes into play whenever the prison authorities know or ought to know that there is a risk to a prisoner's life. There is a breach of Article 2 if, when knowing there is a risk, the authorities fail to take reasonable measures to prevent the harm. So the safety and protection of the individual prisoner is a legal duty.

Prevention of self-harm and suicide requires well-trained staff, good risk assessment on reception and while in prison, record-keeping, prompt and unimpeded access to healthcare.

⁸ P.13 Joint Committee on Human Rights, *Deaths in Custody: Third Report of Session 2004-05*, December 2004, Stationery Office, London

Sharing of records and transfer of records when prisoners are transferred is vital for good risk assessment.

The duty of care

Preventing violence and abuse between prisoners requires good order to be maintained, supervision levels to be adequate and good relationships between staff and prisoners. A high level of activities to keep prisoners occupied is also important. Fatal assaults on prisoners by other prisoners are a dramatic failure of the duty of care.

Ill-treatment of prisoners is an unwelcome feature of many prison systems. This can sometimes occur before the prisoner arrives in prison and may have been inflicted while in police custody or during the escorting process. It can happen in prison. It is important that medical staff take note of any injuries that prisoners arrive with which may have been caused by ill treatment. Any allegations of ill treatment by prisoners during escort or while in custody should be rigorously investigated. As a norm, such allegations should be referred to the police for independent investigation.

Security

Prisons also protect the public by holding, in secure custody, those who are or may be dangerous. Prisons therefore need to hold prisoners in appropriate levels of security. However, custody can be secure without being oppressive and security considerations may never be misused to justify inhuman treatment.

Security levels can have a substantial effect on the life of the prisoner. Transparency about the decision-making and discussion with the prisoner whenever possible can help to give the prisoner some responsibility for the outcome and the chance to affect it by his or her actions. Good information recording and sharing is central to good decision-making as is openness to changing a decision about security when circumstances change.

Outcomes, standards and indicators that standards of safety are being met

Outcome

Appropriate steps are taken to ensure that individual prisoners are protected from harm by themselves and others.

UDHR 3, ICCPR 10

Standard

Prisoners are safe at all times; while being escorted to and from prison, in prison and while under escort in any location.

UDHR 3, ICCPR 10

Indicators

On admission:

- Measures are in place to assess all arriving prisoners, based on the premise that all of them may be vulnerable and might need detoxification from drugs or alcohol
R98 (7): 1, EPR 15, 16, SPR 10
- All arrivals see a medically qualified person in private and a medical record is set up as soon as possible after admission
BOP 24, EPR 16 (a), 42.1, SMR 24, SPR 10 (2), 12 (1:d), 40
- All arrivals are checked for injuries; the injuries are recorded; the prisoner is asked to explain how the injuries occurred and this explanation is recorded
BOP 24, EPR 15 (e), SPR 12 (1:b)
- Information about the prisoner, the charge or offence and sentence, arrives with the prisoner; information suggesting risk of harm from others or self-harm is noted and action taken
EPR 15, SPR 10
- New arrivals are given an explanation of what will happen to them and the routines of the prison in a language they understand

BOP 13, 14, SMR 35, SPR 11 (6)

- Every prisoner has the opportunity to make one phone call out of hearing of other prisoners

ICCPR 10, EPR 24.1, 24.2, SPR 62

- Special arrangements to ensure account is taken of risk are in place for
 - those in prison for the first time on remand or sentenced
 - those just sentenced to a long term or to life
 - those likely to need protection from other prisoners

ICCPR 10, EPR 16, SPR 10

- Special arrangements are in place to identify and deal with those who seem vulnerable or mentally disturbed

R (98) 7:58, EPR 16, 42, SPR 10

- Special arrangements for those who need detoxification and symptomatic relief start at once.

R (98) 7:44, 45, SPR 10

In emergencies

- Procedures are in place to deal with all foreseeable emergencies and all staff have been trained what to do in such instances

HSA 2 (i), 7, EPR 52.5, 81.1, 81.2

- At least one staff member qualified in first aid is available at all times

HSA 2 (1), 7, EPR 41.4, 52.5

- Comprehensive procedures for dealing with fires and evacuation exist, are clearly displayed and are known to all

HSA 2 (1), 7 (3), EPR 52.5

- Emergency call buttons in cells are answered within a stated timeframe that is based on the assumption there may be a life-threatening emergency

UDHR 3, EPR 18.2c, 52.4

- Observation panels in cell doors are not covered up

UDHR 3, EPR 52.2

- Senior staff make unannounced visits during patrol periods to ensure safety procedures are adequate

UDHR 3, EPR 52.2

Identifying and caring for those at risk of self-harm or suicide

- Arrangements are in place and published to facilitate contact with families that enable them to share information about the vulnerability of their imprisoned family member with the prison.

BOP 19, SPR 41

- The reaction to those identified as likely to harm themselves is wide-ranging involving:
 - Preventive measures, including
 - removing dangerous items and ligature points
 - frequent observation
 - Proactive measures, including
 - case conferences
 - access to others able to listen and help (staff and non-staff)
 - activities to reduce boredom and monotony
 - mental health support

UDHR 3, R(98) 7:58, SPR 41

The responsibility for safety applies throughout the time in prison and on release

- Measures to prevent the spread of contagious diseases should be in place
R(98) 7:26-29
- Measures to protect prisoners from harm due to substance abuse should be in place
R(98) 7:28, 29,:43-47

Standard

Force is only used as a last resort and then strictly according to law and procedures.

ICCPR 7, 10, EPR 64, SPR 93

Indicators

- In prison, handcuffs are used rarely and are authorised and monitored by a manager
EPR 68.2, 68.3, 68.4
- Special cells and mechanical restraints are used as a last resort

EPR 56.1, 60.5, 68, SPR 98, 99

- Planned intervention incidents are video-recorded

EPR 53

- Those subject to restraint are seen by healthcare staff as soon as possible

EPR 68.2b, 84 (2b, 5)

- Complaints of illegitimate force on the part of prison staff are dealt with speedily and in a way that ensures the prisoner is not victimised

BOP 33, EPR 53.7, SMR 36

Standard

Prisoners are protected from violence and harm by other prisoners.

UDHR 3

Indicators

- A clear management plan is in place to prevent inter-prisoner violence including verbal abuse

SMR 27, EPR 52.2, 74

- Enough staff are properly deployed and able to interact with prisoners to ensure good order, protect the weaker prisoners and prevent fights

ICCPR 10, EPR 52.2, 74, SPR 92

- Relationships between staff and prisoners permit fears to be expressed

ICCPR 10, SMR 48, EPR 74

- A good recorded assessment is made of those who are to share cells

UDHR 3, SMR 9 (2), EPR 18.6, SPR 22 (3)

- A system is in place for ensuring food going to vulnerable groups is not tampered with

HSA 8, EPR 52.2

Standard

Security levels for individuals are no higher than is necessary to meet the risk presented by the prisoner.

EPR 51

Indicators

- Information on risk factors is accurate and is passed on to relevant individuals and organisations

UDHR 3, EPR 52, SPR 17, 18, 19, 20, 21

- Decisions about security levels are taken on the basis of an objective assessment process

EPR 51, SPR 17, 18, 19, 20, 21

- Decisions about security level are reviewed as often as necessary and no less than annually

EPR 51.5, SMR 27, SPR 17 (8)

Standard

Procedures for deciding security levels are as transparent as is compatible with the sensitivities of the decision.

EPR 51, SPR 17, 18, 19, 20, 21

Indicators

- Prisoners are told about the security level decision and the reasons are given, as far as possible.

SPR 18 (2), 19 (2), 20 (2), 21 (2)

- The reasons for withholding information are legitimate

SPR 18 (3), 19 (3), 20 (3), 21 (3)

- The prisoner is given an indication of how he or she can contribute to reducing the level of security applied

SPR 18 (2), 19 (2), 20 (2), 21 (2)

6.2 Decency, Humanity and Respect for Legal Rights

Principles

Decency, humanity and respect for legal rights are central to the international requirements for the treatment of detained people. These matters cover a range of required outcomes. It should be noted that a lack of resources cannot justify prison conditions that infringe prisoners' rights. Respect for human dignity should be apparent in the physical conditions in which prisoners are held, the way they are transported and transferred, the arrangements for their care and welfare and the way they are treated by the prison staff (European Convention on Human Rights Article 3). The right to healthcare calls for acceptable physical conditions. Whenever possible prisoners should be involved in decisions and able to exercise some choice and some responsibility. Respect for family life (European Convention on Human Rights Article 8) should govern the arrangements for maintaining family contacts. Respect for legal entitlements should govern access to complaints mechanisms, access to legal advice, provision of redress for grievances and the method of dealing with offences against the rules of the prison or the need to keep a prisoner in segregation or isolation. Humanity should be the guiding principle when devising procedures that invade privacy or could be humiliating.

Accommodation

Inspectors pay considerable attention to the amount of personal living space each prisoner has, particularly in situations where there is overcrowding.

Although the international norms and standards do not specify minimum amounts of space per prisoner, guidance has come from the CPT that takes into account the wider environment. Whether or not the space is adequate depends if it is shared and how many hours a day the prisoner is locked inside it. A cell that is acceptable for a prisoner to spend eight hours in per night might not be acceptable if it was shared and the prisoner was held in it for 20 or more hours a day.

Light and air are important and can also be assessed by inspection. The cell windows should let in light and air and should not be covered so as to obstruct their entrance. The cell should be adequately heated and ventilated in warm weather. The furniture should include a bed,

table, chair and cupboard for each occupant of the cell. Clothing and bedding should be clean and in good condition.

Exercise

The international norms and standards emphasise time in the fresh air. The CPT has stated that it regards the entitlement of at least one hour of outdoor exercise per day as an essential requirement. This principle is also laid down in the European Prison Rules (Rule 27).

Sanitation and hygiene

A problem area in many prison systems is sanitation. The design of prisons, particularly when related to overcrowding, can lead to sanitary arrangements which are unhygienic, encourage the spread of disease and are an affront to human dignity. Carrying out bodily functions in the presence of others is always degrading.

Respect

A basic feature of the treatment of prisoners is the respect they are accorded by prison staff. However bad the physical conditions the quality of the human interactions can be a potent influence for good. Establishing from outside whether people are treated with respect is not easy. Good manners on the surface can conceal disrespectful practices. Observing interactions and seeking information from prisoners can help to build up a picture. There are a number of useful indicators. One is the way prisoners are addressed. Insulting or demeaning names should not be used, surnames should not be routinely used on their own. Staff should ensure that they discuss matters about prisoners' personal lives out of the hearing of other prisoners. Staff should be identifiable by name.

Family life

The right to family life is one of the basic human rights and is of great importance to prisoners. Families can often also play an effective role in social reintegration after prison.

The importance placed on family links and the role of families is a useful indicator of how respectfully a system sees its prisoners and the weight it gives to social reintegration after prison. Visitors should be asked by inspectors about their experiences of visiting and their treatment by staff.

Rights

When people are detained, they lose their freedom but retain a number of rights and entitlements. For example, pre-trial prisoners should have access to a lawyer. Due process and natural justice should be observed in proceedings under the disciplinary rules. Prisoners should be able to complain to an independent authority and to receive a response without undue delay.

Segregation

Segregation blocks or punishment cells can be areas where abuse is particularly likely to occur since they are out of sight and hearing of the rest of the prison and the detainees held there may be recalcitrant or convicted of particularly unpleasant crimes. The monitoring of such areas of the prison is therefore a priority and the conditions of segregation and the treatment of prisoners held in isolation has been a pre-occupation of international bodies. In its 2nd General Report the CPT stresses that prisoners in segregation should have regular access to a doctor⁹.

Outcomes, standards and indicators that the standards of decency, humanity and respect for human rights are being met

Outcome

Prisoners are treated with respect for their dignity while being escorted to and from prison, in prison and while under escort in any location.

[ICCPR 10, EPR 32](#)

⁹ 2nd General Report on the CPT's activities covering the period 1 January to 31 December 1991, Ref: [CPT/Inf (92) 3] – publication date: 13 April 1992

Standard

The standards that apply to the treatment of prisoners in prison extend to all other places where they are held.

ICCPR 10, EPR 32

Indicators

Measuring treatment when in transit

- Prisoners are told where they are going, how long the journey will take and why they are going there

BPTP 1

- Prisoners are not held for lengthy periods waiting for escort vehicles to leave or waiting in vehicles on arrival at their destination.

BPTP 1, EPR 32.2

- Exposure to public scrutiny of prisoners under escort is minimised

SMR 45 (1), EPR 32.1, SPR 110 (2)

- Vehicles are cleaned between journeys and vehicle temperatures are kept at an adequate level

BPTP 1, EPR 32.2

- The number and frequency of stops for lavatory breaks is adequate

SMR 45 (2), EPR 32.2

- Drinking water is always available and, if the journey is long and covers a mealtime, food is provided

SMR 20 (2), EPR 22.4, 22.5, 32.2, SPR 29 (1)

- Prisoners are safe from injury, including self-injury, in vehicles

CCLEO 6

- Disabled prisoners can get into and out of the vehicles with dignity

DDA 40, SMR 45 (2), EPR 32.2

- Prisoners in transit are held in restraints only in exceptional cases when this is justified by a risk assessment

SMR 33, EPR 68.2a

- Men and women are kept separately

SMR 8 (a), EPR 18.8b

- Women being transferred by vehicle are given hygiene packs as necessary

SMR 12, 15, EPR 19.7, SPR 30 (1)

Outcome

Prisoners are held in conditions that provide the basic necessities of life and health, including adequate air, light, water, exercise in the fresh air, food, bedding and clothing.

ICCPR 10 (1)

Standard

The accommodation is clean and provides a reasonable amount of space for each prisoner, with space for personal belongings, ventilation, a reasonable temperature, natural light.

ICCPR 10 (1)

Indicators

- Each prisoner has enough space in cell to move around and to sit at a table, whether the cell is for single or multiple occupancy.

EPR 18.1

- Provision for the storage of personal belongings (lockable) and photographs is adequate

EPR 31.7, SPR 52 (1)

- Each prisoner has a table and chair

EPR 18.1, SPR 23 (2)

- The window permits the entrance of air and natural light

EPR 18.2a, SPR 23 (2)

- The natural light is adequate to read by

EPR 18.2a, SPR 23 (2)

- Drinking water is available at all times

SMR 20 (2), EPR 22.5

- Cells are clean and materials are available to enable prisoners to keep cells clean

EPR 19.1, 19.5, 19.6, SPR 23 (3)

- The parts of the prison outside the cells are clean

SMR 14, EPR 19.1

Standard

Prisoners are allowed into the open air for at least one hour a day every day.

SMR 21 (1), SPR 89

Indicators

- The prison provides at least one hour in the open air per day for every prisoner

SMR 21 (1), EPR 27.1, SPR 89

- The space in which this is taken is large enough for meaningful exercise

SMR 21 (1), EPR 27.3, 27.4, SPR 89

- Clothing appropriate to the climate is provided so that prisoners can exercise in the open air in inclement weather

SMR 17 (1), EPR 20.1, SPR 27 (1,2)

Standard

Personal clothing is in decent condition, washed frequently and fits.

EPR 20, SPR 25, 26, 27, 28

Indicators

- Appropriate personal clothing is issued by the prison or prisoners may wear their own clothing

SMR 17, 18, EPR 20, SPR 25, 26, 27

- If prisoners may wear their own clothing there are proper arrangements for washing it

SMR 17 (2), EPR 19.5, 20.3

- The clothing issued by the prison is not stained and/or frayed

SMR 17 (2), EPR 20.3, SPR 27 (2)

- When any clothing is provided by the prison, this should be on a personal basis

[SMR 17 \(1\), EPR 20.1](#)

- Arrangements are made for regular cleaning of clothing provided by the prison

[SMR 17 \(2\), EPR 19.5, 19.6, 20.3](#)

Standard

Bedding is supplied and laundered at frequent intervals.

[SMR 19, EPR 21](#)

Indicators

- Clean bedding is issued to prisoners on arrival

[SMR 19, EPR 21, SPR 24](#)

- Bed linen is changed weekly and other bedding regularly

[SMR 19, EPR 21, SPR 24](#)

- Mattresses are not stained or torn

[SMR 19, EPR 21, SPR 24](#)

Standard

Sanitary arrangements take account of health, hygiene and human dignity.

[BPTP 1, SMR 12, EPR 19](#)

Indicators

- There is access to a lavatory and wash hand basin at all times

[SMR 12, EPR 19.3](#)

- When the lavatory is in cell it is enclosed to ensure privacy

[BPTP 1, SMR 12, EPR 19.3](#)

- If prisoners have to call for the cell door to be opened to access the lavatory, staff respond within a stated period of time that is reasonable

[SMR 12, EPR 19.3](#)

- If there is no continuous access to toilet facilities, prisoners are able to empty the utensils that they use at frequent intervals

[BPTP 1, SMR 12, EPR 19.3](#)

- The conditions in which the utensils are emptied are hygienic
HSA 2, 8, BPTP 1
- Prisoners are able to wash their hands after using the toilet
SMR 12, EPR 19.3
- Showers provide privacy
BPTP 1, SMR 12, EPR 19.3
- Prisoners are able to shower every day and after physical exertion, before court and before visits
SMR 13, EPR 19.4, SPR 30

Standard

Food is adequate for health, varied and religiously and culturally appropriate.

BPTP 3, 5, SMR 20, EPR 22, SPR 29

Indicators

- The kitchens are clean and those preparing and serving food are appropriately trained
HSA 2 (1), 7, SMR 14, 26 (1, 2), EPR 22.3, SPR 29 (1, 3c)
- The preparation and storage of food is in accordance with hygiene standards
HSA 2 (1), 7, SMR 14, 26, EPR 22.3 SPR 29 (1, 3c)
- Food is served at the appropriate temperature and portions are adequate
SMR 20 (1), EPR 25 (1), EPR 22.2, 22.3, SPR 29 (1)
- Fruit and vegetables are provided every day
SMR 20 (1), EPR 22.2, SPR 29 (1)
- Special dietary needs are adequately met
SMR 20 (1), EPR 22.1, SPR 29 (1)
- Meals are served at normal times and the gap between the last meal of the day and first meal the following morning is not excessive
SMR 20 (1), EPR 22.4, SPR 29 (1)
- Prisoners are not required to eat in cells where the lavatories are not enclosed
BPTP 1, SMR 10, EPR 18.1
- Clean cutlery is available for every meal

BPTP 1, BOP 1, EPR 22.3

Outcome

Prisoners are treated with respect by prison staff.

CCLEO 2, EPR 75

Standard

Respect is the underlying basis of all interactions between staff and prisoners.

CCLEO 2, EPR 75

Indicators

- Staff address prisoners by their first names or surnames with Mr or Ms

CCLEO 2, BOP 1, BPTP 1, EPR 74

- Staff never use insulting nicknames, racial epithets or impersonal terms when addressing prisoners

CCLEO 2, BOP 1, BPTP 1, EPR 74

- Staff display their names clearly on their person

SMR 48, EPR 74, 75

- Staff knock before entering cells, except in emergencies

CCLEO 2, SMR 48, EPR 75

- When prisoners have to be given news that is sensitive or likely to be unwelcome, this is done in privacy and with compassion

CCLEO 2, SMR 44, EPR 24.6

- Prisoners' families are informed rapidly and sensitively of all incidents affecting their imprisoned family member

CCLEO 2, SMR 44, EPR 24.9

- If prisoners are permitted escorted leave for compassionate reasons the security arrangements are not excessively obtrusive.

SMR 27, EPR 24.7, 32

- If prisoners are to be transferred, the reasons for and the implications of the decision are discussed with the prisoner

BPTP 1

- Personal and sensitive information about prisoners is dealt with in a manner that respects privacy

CCLEO 4

Standard

Security measures such as searching are carried out with regard to the protection of human dignity.

SMR 27, EPR 54, SPR 106

Indicators

- Prisoners are only given body searches by officers of the same gender

BPTP 1, EPR 54.5, SPR 106 (3a)

- Searching is not done in a humiliating way

BPTP 1, EPR 54.4, SPR 106 (3b)

- Strip-searching is never done routinely and only done for a good reason

BPTP 1, EPR 54.3, 54.4, SPR 106

- Prisoners are present when their cells or personal property are being searched

EPR 54.8

Outcome

Good contact with family and friends is maintained.

ICCPR 23, EPR 24

Standard

Family visits are given a high priority in terms of frequency, length and quality and are not restricted as part of any disciplinary or control process.

ICCPR 23, BOP 19, EPR 24

Indicators

- The positive ethos aspired to in the Scottish Prison Service Offender Outcome Number Five is evident in every element of visiting arrangements, from the point of first contact by visitors, through the visits themselves and on to any follow-up

[BOP 19](#), [SMR 37, 79](#), [EPR 24](#)

- Family members have contact details for a named member of staff whom they can contact if they have any concerns about the family member who is in prison

[SMR 79](#), [EPR 24.4](#)

- Family members are able to take part in the induction system for new prisoners.

[SMR 79](#), [EPR 24.5](#)

- Family members receive clear and helpful information about the visits system and there are special arrangements for transport to the prison if public transport is inadequate

[SMR 79](#), [EPR 24.5](#)

- Arrangements for booking visits are transparent, easily understood and inexpensive

[SMR 79](#), [EPR 24.5](#)

- Most prisoners can have a weekly visit of at least one hour

[BOP 19](#), [EPR 24.4](#), [SPR 63 \(2\)](#), [64 \(2\)](#)

- Visits are not cancelled for administrative or for non-emergency operational reasons

[EPR 4](#)

- Time spent by the visitors with the prisoner is not reduced by long administrative procedures on entry

[SMR 79](#), [EPR 24.4](#)

- Basic visit entitlements are not related to assessments of prison behaviour

[SMR 79](#), [EPR 24.4](#)

- Closed visits are only imposed when strong evidence is available of abuse; they are not imposed as a punishment and their imposition is regularly reviewed

[SMR 27](#), [32 \(2\)](#), [EPR 60.4](#), [SPR 78](#)

- If visitors are banned the reasons are made clear, the decision can be appealed against and is reviewed at regular intervals

[SMR 27](#)

- Efforts are made to hold prisoners as near their home area as possible

[BOP 20](#), [EPR 17.1](#)

- If a prisoner is transferred the family is given adequate notice

SMR 44 (3), EPR 8, 24

Standard

Visitors are well treated.

CCLEO 2

Indicators

- Visitors are politely received

CCLEO 2

- The waiting time is not undue

CCLEO 2

- Clean toilet and baby changing facilities are provided

CCLEO 2

- The searching procedures are thorough but compatible with human dignity

BOP 19, SMR 27, EPR 54.1c, 54.4

- There is a waiting place indoors for visitors

SMR 79

- The waiting place provides contact information

SMR 79

- Details of named staff dedicated to family contact is available at all times

SMR 79

Standard

Visits take place in the most relaxed environment compatible with security.

SMR 27, 79, EPR 24.4

Indicators

- The visits room is large enough for the numbers it has to cater for

SMR 79, EPR 24.4

- It is well decorated and has a welcoming atmosphere

SMR 79, EPR 24.4

- Special arrangements are made for parents to be with their children

SMR 79, EPR 24.4

- There are arrangements for children to play

SMR 79, EPR 24.4

- Prisoners are not required to wear distinguishing clothes that are demeaning

BOP 1, 19, EPR 24.4

Standard

Telephone contact is made as easy as possible.

BOP 19, EPR 24.1

Indicators

- There are enough telephones for each prisoner to have daily access at times appropriate to their needs.

SMR 37, 79, EPR 24.1, SPR 62

- Prisoners are told clearly that telephone calls are monitored

SMR 37, 79, EPR 24.2, SPR 62

- Telephones are not in a noisy place where prisoners cannot hear properly

SMR 37, 79, EPR 24.1, SPR 62

- Prisoners can talk on the telephone without being overheard by other prisoners

SMR 37, EPR 24.2, SPR 62

Standard

Letter contact is made as easy as possible.

BOP 19, EPR 24.1, SPR 56

Indicators

- Prisoners can send as many letters as they can afford
SMR 37, 79, EPR 24.1, SPR 56
- There is no limit to the number of letters which a prisoner can receive
SMR 37, 79, EPR 24.1, SPR 56
- Prisoners' letters are posted quickly
SMR 37, 79, EPR 24.1, SPR 56
- When letters are opened by staff, this is done in the prisoner's presence
ICCPR 17

Outcome

Prisoners' entitlements are accorded them in all circumstances without their facing difficulty.

BOP 13, 17, EPR 1

Standard

Staff are aware of their duty to give prisoners their legal rights. They know what these rights are. They accept the legitimacy of that duty and meet their obligations under it promptly.

BOP 13, 17, EPR 2

Indicators

- On arrival prisoners are given information about rules, punishments and how to make a request or complaint in a form they can understand.
BOP 13, SMR 35, EPR 15.2, 30.1
- Prisoners are helped if they so wish to contact lawyers, the Visiting Committee, members of parliaments, the courts and the Complaints Commissioner
BOP 17, EPR 23, 98
- Legally privileged mail is not opened unless there are reasonable security grounds for doing so, and confidential access to lawyers and complaints bodies is respected
BOP 18 (3), EPR 23.4, SPR 57, 58

- Foreign prisoners are told of their rights of access to consular officials and this access is facilitated

[Vienna 36](#), [SMR 38](#), [EPR 37](#)

- Pre-trial prisoners are given assistance in preparing their legal defence

[SMR 93](#), [EPR 98](#)

- In disciplinary proceedings prisoners understand the charges made against them

[SMR 30 \(2, 3\)](#), [EPR 59](#)

- Prisoners facing disciplinary proceedings are given enough time to prepare their case and to have access to legal advice when required

[SMR 30 \(2, 3\)](#), [EPR 59](#), [SPR 116](#)

- Prisoners are able to appeal against disciplinary decisions and can be assisted to do so

[BOP 30 \(2\)](#), [EPR 61](#)

Standard

Staff are aware of their duty to observe the human rights of prisoners. They know what these rights are. They accept the legitimacy of that duty and meet their obligations under it promptly.

[CCLEO 2](#), [EPR 1](#)

Indicators

- Prisoners are helped if they so wish to contact the European Court of Human Rights

[ICCPR 2 \(3a\)](#), [BOP 33 \(1\)](#), [SMR 36 \(3\)](#), [EPR 1](#)

- Measures are in place to prevent racial discrimination and where it does occur it is rapidly dealt with

[RRAA 2000](#), [CERD 2, 6, 7](#), [SPR 6](#)

Standard

Staff are aware of their duty to treat prisoners in accordance with fairness and natural justice. They know what this involves. They accept the legitimacy of that duty and meet their obligations under it promptly.

CCLEO 1, 2

Indicators

- Prisoners have an avenue of appeal against a response to a request or complaint

[BOP 33 \(4\)](#), [EPR 70.3](#)

- No prisoners are victimised for having accessed their legal right to complain

[BOP 33 \(4\)](#), [EPR 70.4](#)

- The library has a good collection of legal texts, the Prison Rules and the European Prison Rules that can be easily accessed.

[BOP 28](#), [SPR 7](#)

- Prisoners are able to attend court hearings clean and properly dressed

[SMR 17 \(3\)](#), [18](#), [EPR 20](#)

- Replies to requests and complaints are given in a speedy manner

[BOP 33 \(4\)](#), [SMR 36 \(4\)](#), [SPR 121](#)

- Attempts are made to resolve complaints by mediation before resort to the formal process

[EPR 70.2](#)

- Disciplinary reports are used as a last resort and mediation is tried whenever feasible

[EPR 56.1](#), [56.2](#), [70.2](#)

- Disciplinary reports are dealt with according to natural justice

[EPR 57.2](#), [60.1](#)

Standard

Segregation is used sparingly and in accordance with procedures.

[BPTP 7](#), [EPR 60.5](#), [SPR 94](#), [100](#)

Indicators

- Putting prisoners into segregation is governed by a clear set of procedures

[EPR 60.5](#), [SPR 94](#), [100](#)

- Prisoners are given reasons in writing for being moved to segregation

[SPR 94](#)

- There is a system of regular review that is transparent and the decision is reviewed

SPR 94, 100

- Prisoners in segregation
 - are permitted reading material and other activity material
 - have one hour's exercise in the open air every day
 - get adequate access to telephones, visits, showers, exercise, library and education
 - are seen every day by a medically qualified person and senior member of the prison staff
 - have a management plan, to which they can contribute, dealing with their daily life while under segregation, the degree of normal circulation in which they can take part and their return to full normal circulation in due course

EPR 19.4, 24.1, 24.10, 27.1, 28.1, 28.5, 43.2, 56, 60.5

6.3 Opportunities for Self-Improvement and Access to Services and Activities

Principles

Emphasising the positive

The matters dealt with in this section cover a large part of the daily operation and activities of the prison. A broad term for this aspect of imprisonment might be ‘rehabilitation’. Article 10 (3) of the International Covenant on Civil and Political Rights requires ‘the essential aim’ of the treatment of prisoners to be ‘their reformation and social rehabilitation’. On this basis international guidelines have been developed on activities, work, education, preparation for release, cultural and religious participation and healthcare.

Imprisonment has the potential to damage a person’s social ties, reduce self-confidence, diminish capacity to exercise responsibility, and leave the released ex-prisoner with a stigma from which it is hard to escape. In addition it may bring the prisoner into contact with illegal drugs and have an adverse effect on mental health. However this does not affect the requirement that, as the ICCPR says, the treatment should ‘aim’ at ‘reformation and social rehabilitation’. Whilst imprisonment does not of itself reform, the treatment of those imprisoned should be so organised that it contributes towards reformation rather than hinders it.

Links with civil society

The international norms and guidelines put considerable emphasis on the civilian nature of imprisonment, the desirability of close links with civil society and the need to make the conditions of imprisonment as close as possible to those in normal society.

Ethos and culture

The ethos and culture of the prison are important features of the rehabilitative environment. A culture that diffuses violence, aims to deal whenever possible with disputes by mediation, and with disciplinary infractions by problems-solving will be an environment that promotes in prisoners an understanding and reflective approach to life’s difficulties.

Healthcare

Healthcare is dealt with under this section of the standards but it has implications also for safety and security, as well as decency, humanity and respect for legal rights. Links between prison health and public health are regarded as desirable and the WHO Moscow Declaration on *Prison Health as part of Public Health* sets out guidelines for a closer relationship between the two.

Preparation for release

The importance of preparation for release is stressed by all the international norms and guidelines. This is a key factor in increasing the possibility that prisoners will live law-abiding lives after they are released.

Outcomes, standards and indicators that the standards of opportunities for self-improvement and access to services and activities are being met

Outcome

Prisoners take part in activities that educate, develop skills and personal qualities and prepare them for life outside prison.

[BPTP 10, EPR 25](#)

Standard

The regime of the prison encourages prisoners to make the most of their time there and to exercise responsibility.

[BPTP 10, EPR 6, 25](#)

Indicators

- All prisoners attend an induction programme soon after admission.

[EPR 15.2, 30](#)

- The induction programme explains the opportunities available and the ways in which prisoners can influence what happens to them

EPR 6

- There is a functioning personal officer scheme

EPR 8, 74

- Systems of prisoner involvement and consultation are encouraged

EPR 70.1, 87.1

- All convicted prisoners have a sentence plan in place that is taken seriously, that every effort is made to provide what it promises and that its implementation is monitored.

EPR 103

Standard

A full day's out of cell activities, such as work, education, leisure and cultural pursuits, is available for seven days of the week.

EPR 25

Indicators

- Prisoners are locked in their cells for a minimum period each day

EPR 25.2

- Prisoners have access to a comprehensive programme of purposeful activity each day

EPR 25

Standard

The programme of work and related training focuses on equipping prisoners for employment on release.

EPR 26

Indicators

- The programme of work and training helps to develop the existing skills of prisoners and to provide them with new ones

EPR 26.1, 26.2, 26.6, SPR 84

- The programme includes training opportunities that are relevant to the current labour market

EPR 26.3, 26.5, 26.7, SPR 84

Standard

A broad and relevant education programme is available.

R 1990/20, R (89) 12, EPR 28.1

Indicators

- Prisoners may have regular access to education

R 1990/20 (e), EPR 28.1

- Any differential between pay for work and education does not disadvantage those attending education

R 1990/20 (e), R (89) 12: 5, EPR 28.4

- The education programme allows for creativity and self-development courses

R 1990/20 (a), (c), R (89) 12: 2, 12

- Prisoners are not transferred in the middle of education or vocational courses or just before they are due to sit for a qualification

R 1990/20 (d)

- Education classes are rarely cancelled and when they are the prisoners are given a reason

R 1990/20 (d)

- Physical education appropriate to age and ability is available to all regularly

R 1990/20 (b)

Standard

A range of interventions is in place to encourage prisoners to address those behaviours which may contribute to their offending.

BPTP 10, EPR 102.1, SMR 58, 59, 66

- Assessment processes appropriate to needs and risks are in place

[EPR 16, 52, 102](#)

- Interventions linked to needs and risks are in place

[EPR 52, 102, 103.2, 103.3, SMR 65, 66](#)

- Clear processes to encourage individuals to address identified risks and record progress are in place

[EPR 16, 102, 103.3, SMR 65, 66](#)

- Prisoners are involved in decisions about how identified needs and risks are identified

[EPR 102, 103.2, 103.3, SMR 65, 66](#)

Standard

There is a programme of cultural and voluntary activities.

[EPR 25, 27.6](#)

Indicators

- Prisoners can have access to news media (print, radio and television) every day

[EPR 24.10, SPR 55](#)

- The library is well-stocked with materials that take account of the cultural and religious backgrounds of the prisoner population and prisoners can visit it regularly

[EPR 28.5, 28.6, SPR 90 \(2\)](#)

- Prisoners have regular access to evening activities

[EPR 25.1](#)

- There are opportunities for prisoners to do voluntary work for the benefit of others

[EPR 7](#)

Standard

Opportunities to practise their religion are available to all prisoners.

[ICCPR 18 \(1\), EPR 29.2](#)

Indicators

- Representatives of all religions in the prison visit regularly

SMR 41, EPR 29

- Services on the appropriate day are available to all religions represented

SMR 41, EPR 29

- Appropriate facilities are in place for prisoners to practise their religion

SMR 41, 42, EPR 29

Standard

Suitable arrangements to enable prisoners to buy a range of personal and other items that meet prisoners' needs are in place and available and accessible as necessary.

SMR 60 (1)

Indicators

- The establishment has items available that help prisoners with their family links, such as cards marking family, religious and cultural events

SMR 79, EPR 60.1

- The range of goods available reflects the different cultures in the prison

BPTP 3, EPR 5

- The prices are not higher than in an economy shop in the local community

EPR 5

- Prisoners are regularly consulted about they what they would like to see stocked

EPR 70.1

- Clear arrangements are in place for the purchase of items not held in stock

EPR 70.1

Outcome

Healthcare is provided to the same standard as in the community outside prison, available in response to need, with a full range of preventive services, promoting continuity with health services outside prison.

R (98) 7 (all), EPR 39, 40

Standard

Health services of a high quality are available to all who need them.

R (98) 7 (all)

Indicators

- Prisoners have direct confidential access to qualified medical personnel

R (98) 7: 4, 13, EPR 43.1

- Appropriate medical services are provided without undue delay

R (98) 7: 4, EPR 41

- Arrangements are in place to access a prisoner's community health information on admission and to provide information on a prisoner's healthcare to appropriate health service providers on release

R (98) 7: 10, 18, EPR 40.1

- Medical records are treated as confidential except for very limited need to know disclosure

R (98) 7: 13, EPR 42.3a

- Mentally ill prisoners are transferred as soon as possible to a more appropriate setting

R (98) 7: 53, 55, EPR 12, 47

- The special medical needs of all individuals and groups of prisoners are met

R (98) 7: 10, EPR 39

Standard

Addictions are dealt with the way most likely to be effective and when they conflict treatment takes priority over security measures as far as possible.

R (98) 7: 43, 44, EPR 42.3d, 49

Indicators

- Interventions aimed at reducing or stabilising individual drug abuse are in place and available to all who need them

R (98) 7: 45, 46, EPR 42.3d

- Interventions for dealing with addictions are closely linked to those which are available in the community

R (98) 7: 45, 46, EPR 40.2

- Arrangements are made for prisoners to continue with drug addiction interventions after release

R (98) 7: 46, 47

Outcome

Appropriate steps are taken to ensure that prisoners are integrated safely into the community and where possible into a situation less likely to lead to further crime.

BPTP 10, SMR 58, EPR 6, 102.1

Standard

The prison has a policy on links with families and with the local community and allocates staff time to implement it.

BPTP 10, EPR 7, 107, SMR 79

Indicators

- Resources are devoted to programmes that extend family contact and family involvement with the prison in its work to prepare prisoners for release

SMR 61, 79, EPR 6, 107.4

- Local community organisations are invited to the prison

BPTP 10, SMR 61, EPR 7, 107.5

- Well-trained and appropriate volunteers from the local community are welcomed and supported

SMR 61, EPR 7, 107.5

- Prisoners are involved in work of benefit to the local community

EPR 103.7

Standard

Arrangements are made for prisoners to leave with somewhere appropriate to live, healthcare continuity assured, a chance to find work and build social links.

SMR 61, 64, EPR 107

Indicators

- Appropriate risk assessments are in place prior to release and they are shared with appropriate groups and individuals

SMR 61, EPR 103.2

- The prison has formal links with local authority and other voluntary and statutory services dealing with prisoners on release

SMR 64, EPR 107.4, 107.5

- When prisoners are being released efforts are made to ensure that the arrangements made for release allow the individual the maximum personal respect

SMR 64, EPR 107

ANNEX 1: GLOSSARY OF ACRONYMS

International Human Rights Instruments

- Legally binding

CERD International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969)

ICCPR International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force Mar. 23, 1976)

Vienna Vienna Convention on Consular Relations and Optional Protocols, 596 U.N.T.S. 261 (entered into force March 19, 1967)

- Normative

BOP Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988)

BPTP Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990)

CCLEO Code of Conduct for Law Enforcement Officials

R 1990/20 UN Economic and Social Council: Resolution 1990/20

SMR Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

UDHR Universal Declaration of Human Rights

Regional Human Rights Instruments

- Normative

EPR European Prison Rules

R(98)7 Recommendation No R (98) 7 of the Committee of Ministers to Member States Concerning the Ethical and Organisational Aspects of Health Care in Prison (adopted by the Committee of Ministers on 8 April 1998 at the 627th meeting of the Ministers' Deputies)

R 89/12 Recommendation no. R (89) 12 of the Committee of Ministers to member states on education in prison (adopted by the Committee of Ministers on 13 October 1989 at the 429th meeting of the Ministers' Deputies)

SPR The Prisons and Young Offenders Institutions (Scotland) Rules 2006

National Legislation

- Legally binding

DDA Disability Discrimination Act 1995

HSA Health and Safety Act 1974

RRAA Race Relations (Amendment) Act 2000



SCOTTISH EXECUTIVE

© Crown copyright 2006

This document is also available on the Scottish Executive website:
www.scotland.gov.uk

Astron B47266 7/06

Further copies are available from
Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS

Telephone orders and enquiries
0131 622 8283 or 0131 622 8258

Fax orders
0131 557 8149

Email orders
business.edinburgh@blackwell.co.uk

ISBN 0-7559-5143-3



9 780755 951437