



Minutes

NPM Scotland Subgroup Quarterly Meeting

Thursday 14 Nov 2024, 10:00-12:30

Chair: AOH

Present:

AO, Chair, Scottish Human Rights Commission (SHRC)

SHG, UK NPM

RJ, His Majesty's Inspectorate of Constabulary in Scotland (HMICS)

SS, His Majesty's Inspectorate of Prisons Scotland (HMIPS)

KS, Independent Custody Visiting Scotland (ICVS)

CW, Care Inspectorate (CI)

ED (on behalf of CA), Scottish Human Rights Commission (SHRC)

JT (on behalf of CH), Healthcare Improvement Scotland (HIS) (non-voting)

NH, Children and Young People's Commissioner Scotland (non-voting)

Apologies:

AC, Mental Welfare Commission Scotland (MWCS)

In attendance:

CK, NPM Secretariat Officer

1. Welcome, introductions, apologies

The incoming Chair introduced herself and welcomed new subgroup representatives **CW** (on temporary promotion until August 2025) and **NH**, as well as substitute representatives **ED** and **JT**.

2. Declarations of interest

SHG reiterated that he is a Director at Just Right Scotland, who occasionally take cases in our area of work and have an active case with the Scottish Prison Service.

No other declarations to add. **[Action 46] CK** to collect declarations from new subgroup representatives and share updated declarations with subgroup members.

3. Review of August minutes and matters arising

The group agreed the 22 August 2024 minutes are a true and accurate record.

The **Chair** proposed to alternate meetings between Edinburgh and Glasgow. **The group agreed to this arrangement. [Action 47] CK** to seek out location in Glasgow for next meeting.

[Action 48] CK to recirculate letter from Neil Rennick regarding implementation of recommendations from the Independent Review of the Response to Deaths in Prison Custody and publish letter on the NPM website.

4. Scotland Subgroup TOR and Workplan

[KS arrived]

The group requested two changes to the Terms of Reference (TOR): to indicate that the meeting location is at the Chair's discretion, and that a quorum is made up of 3 of the 6 voting members. **The group agreed to approve TOR by email.**

[Action 49] CK to send updated TOR for approval by email.

The group reviewed the interim workplan, and suggested creating an issues log identifying which issues are live and prioritising them. The group discussed using data to inform prioritisation and to ensure we review whether issues should be raised nationally or kept at the subgroup level.

The group discussed two issues which they consider to be of national concern: secure transport and secure transport for children (for which standards will be developed through the Children (Care and Justice) (Scotland) Act 2024).

[Action 50] CK to develop an issues log.

The group approved the interim workplan.

5. Scotland Subgroup website presence

CK informed the group that substantive approved minutes for the Scotland Subgroup and Northern Ireland Subgroup, as well as the workplan and TOR, would be published on the NPM website from this meeting forwards.

The group agreed that this is important for transparency and to highlight work being done.

6. Pre-circulated written updates

SHG gave an update of recent activities, including meetings between SHG, incoming NPM Chair Sherry Ralph and representatives from all NPM bodies, in which positive feedback was shared about the direction of the UK NPM. Upcoming meetings include the NPM Steering Group meeting on 25 November, and meetings regarding the upcoming NPM Annual Report with Lord Timpson, the Lord Chancellor, and Cabinet Secretary Angela Constance. He also shared details of recent international collaboration to support other NPMs and with international treaty bodies. With regards to NPM projects, the Central Team has developed a process to operationalise the recently-agreed *definition of detention*, which will be reviewed by the Steering Group. The development of a Recommendations Database is underway and may be delivered by the end of the financial year. Guidance developed in partnership with the University of Edinburgh on environmental conditions in detention will be published soon. The UK NPM's annual business plan is in development and will be ratified in April 2025.

Subgroup representatives highlighted key activities and concerns of their respective organisations:

The Care Inspectorate is working on mitigating risks around emergency placements, particularly with regards to remand of children under 18, since they can no longer go to HMPYOI Polmont per the Children (Care & Justice) (Scotland) Act 2024. CI is

updating emergency bed admissions guidance in recognition of these pressures, aiming to balance supporting the sector with upholding children's rights, and will publish soon.

CI has taken enforcement measures on one secure accommodation setting. An improvement notice has been issued with set timeframes for improvements, and an emergency condition has been put in place which means they cannot take in any new young people. The setting is making progress and managed to stabilise staffing situation, but it will take time. CI is conducting assurance visits every 1-2 weeks. Bed availability is a consideration with the emergency condition in place.

The group discussed concerns about young people being transferred to HMPYOI Polmont upon turning 18 when they have only a few weeks left on their sentence. Both CYPCS and CI would prefer that newly-18-year-olds stay in their existing setting, rather than transferring, as the transition can be difficult for young people. **SS** pointed out that setting movement can increase mental health risk. The group felt that this was an issue the NPM could address, but that with HMPYOI Polmont no longer accepting under 18s, and one secure setting being closed to new admissions, it is unclear whether government would prioritise developing a regulation on this currently, despite the Children (Care and Justice) (Scotland) Act 2024 including regulation-making powers on this (see page 5 of [The Children \(Care and Justice\) \(Scotland\) Act 2024 \(Commencement No. 1 and Transitional Provision\) Regulations 2024](#) for more details). **[Action 51] CK** to put on agenda for next meeting to discuss in more detail.

SHRC approved a spotlight project around Fatal Accident Inquiries (FAIs), which will follow on from work on Deaths in Prison Custody review, and concerns around many of the recommendations not being implemented. SHRC are also looking at orders of lifelong restriction, building on attention to IPPs in England & Wales. Findings will go to the commission to decide on next steps.

The top issue for HMIPS is still prison overpopulation, and they are waiting for updates from the Scottish Government around the release of long-term prisoners. Other concerns include a disturbance at HMP Glenochil related to staffing shortages, which led to a sudden change to a limited prison routine, and difficulties with internal enemy management and staffing levels at HMP Edinburgh identified during an unannounced visit. A follow-up inspection of HMP Addiewell with HIS found the prison was improving. An inspection of HMP Barlinnie will begin next week. HMIPS's Prison Transport thematic will hopefully be published in December.

HMICS's current three-year scrutiny programme will end in March and a consultation is currently being held to inform the focus of the next plan. A recent inspection found variations in the model of provision and in the quality of healthcare services in Clyde and Oban custody centres because healthcare provision is split across two NHS boards. The agreement to conduct three joint inspections per year with HIS continues, and they are planning their 2025-26 custody programme.

ICVS continues to raise concerns about resourcing, with police custody centre staff telling ICVs they do not have enough staff to provide basic care such as razor kits because there is not enough staff to supervise. Recent visits in Stornoway found inefficiencies with multiple overlapping processes used in legalised police cells, and identified five custody centres that do not have sheriff courts, which will need to be monitored by ICVs. ICVS is working with HMIPS to get reassurances on this. ICVS is

actively recruiting volunteers. Ancillary centres seem to be closing down to alleviate the issue. Although police may no longer be holding people in those centres, police are still processing them, so ICVS still need to be visiting. Transport time to courts is also a concern with closures of ancillary centres.

HIS inspected HMP Grampian in June and wrote a letter of concern around mental health, as they found 150 referrals which were not actioned. A constructive response was received from the Health and Social Care Partnership (HSCP), and after discussions with MWCS, they have sent an improvement plan, which will be reviewed early next year. A follow-up inspection at HMP Addiewell in October 2024 found that progress has been made on issues around mental health processes such as triage and referrals. Concerns have been raised at the Oban police custody around lack of governance and oversight of healthcare by Argyle & Bute HSCP.

[Action 52] JT to send slides to **CK** to circulate to the group.

CYCPS plans to look at experiences of secure accommodation by children and young people soon. They recently met with relevant NPM subgroup bodies on police use of force on children, with particular focus on definitions and data. Efforts to collect this data will support work in the new year. **SHG** highlighted concerns around use of prohibited devices, spit hoods etc. in custody. **NH** explained that the investigation by CYPCS will be wider than just custody, but they will be able to split off data about custody. **RJ** reiterated concerns around incidents of children being held in police custody for too long. **KS** highlighted Police Scotland's statement that police custody is not safe for children.

7. Annual Conference 2025

CK provided an overview of the UK NPM Annual Conference, taking place from 30 April to 1 May 2024 in Edinburgh. Potential conference themes include the future of justice and/or joined-up justice. SHRC will co-chair the conference. Provocations from actors outside of the scrutiny world would be interesting, on topics such as racialised injustice or injustice related to protected characteristics.

8. Key issue update: mental health transfer data

SHG provided an update on the mental health transfer data issue. A small group of NPM Scotland Subgroup members are organising a roundtable to develop a plan to implement the NPM Recommended Standard around a statutory body being notified of the time taken for an individual to be assessed and subsequently transferred to a mental health bed when required. The group met on 31 October and plans for the roundtable are underway, with a stakeholder list, discussion paper and case study currently being developed. In England, discussions around the Mental Health bill have recommenced with the change of government, so NPM may have the opportunity to raise this issue in those discussions.

9. Key issue update: Deaths in custody

SHG introduced a project that the NPM Central Team plans to undertake to address the subgroup's key issue of deaths in prison custody. **CK** presented a project proposal for review, which examines what the government has done so far to reduce

and prevent deaths in prison custody, and how the results of these efforts have been measured and evaluated. The aim is to bring a draft to the group in February.

The group agreed to the project.

10. **Quarterly setting report: Secure accommodation services**

CK presented a setting overview of Secure Accommodation Services in Scotland, which houses children under 18. This was a pilot to see whether it is useful to review each setting in Scotland on a bi-annual basis, to track future improvement or deterioration. The issues identified in the paper included a funding model which can create perverse incentives, whereby secure services must be 90% full in order to be viable, incentivising services to actively seek to accommodate children from other nations in cross-border placements, which creates its own set of issues.

The next report is set to focus on police custody. **[Action 53] CK, RJ and KS** to meet to discuss a specific theme to focus on in police custody.

11. **AOB**

The group agreed it would be helpful to get a sense of timescales on regulations on Children (Care and Justice) (Scotland) Act 2024, and also around children turning 18 going to HMPYOI Polmont.

[Action 54] CK, CW & NH to meet to discuss what we can propose to the subgroup to explore this further.

[END]

Summary of agreements and actions

Action	Agreement/action	Responsible	Status
<u>33</u>	Ask Tom Byrnes about the sites and timing of electronic prescribing roll-out, as well as whether the training modules will be shared with primary and secondary care providers and share this information with the group.	CH	Roll-out has been delayed due to vendor issues. Will provide updates when possible. Move to issues log.
<u>34</u>	Inform NPM Central Team when a response to HMIPS SRU letter is received from SPS, to inform Scotland Subgroup follow up letter.	SS	Update to be provided after meeting with SPS, which has been delayed. Move to issues log.
<u>37</u>	Propose materials to be developed for senior leaders.	CK	Added to 2025-26 Business Plan
<u>46</u>	Collect declarations from new subgroup representatives and share updated declarations with subgroup members.	CK	Complete
<u>47</u>	Seek out location in Glasgow for February subgroup meeting.	CK	Complete
<u>48</u>	Recirculate letter from Neil Rennick and publish letter on the NPM website.	CK	Complete
<u>49</u>	Update TOR based on subgroup comments and re-circulate for approval via email.	CK	Complete
<u>50</u>	Develop an issues log for subgroup.	CK	Complete
<u>51</u>	Put issue of children turning 18 being transferred to HMPYOI Polmont on next agenda.	CK	Complete
<u>52</u>	Send slides to CK to circulate to the group.	JT	Complete
<u>53</u>	Meet to discuss a specific theme to focus on in police custody.	CK/RJ/KS	
<u>54</u>	Meet to develop proposal to subgroup with regards to correspondence with Scottish Government around Children (Care and Justice) (Scotland) Act 2024 regulations.	CK/CW/NH	Complete