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Teresa Medhurst
Chief Executive

Mr Jamie Hepburn MSP
The Scottish Parliament
Edinburgh
EH99 1SP
September 2024
By email: [REDACTED]

25 February 2025

Dear Mr Hepburn

Long-Term and Short-Term prisoner care

Thank you for your correspondence of 24 January 2025 regarding your constituent, [REDACTED] and her requests for information regarding the care of both long-term and short-term prisoners in SPS Establishments.

There are no differences in standards between long-term and short-term prisoners regarding cell sizes and healthcare provision and the time out of cell and provision of out of cell activities will vary only due to the regime, ensuring that opportunities are available for all those we care for. I note the specific queries raised by [REDACTED] and I will try to provide a response that allows a better understanding of how we support for those placed into our care.

Cell Sizes

The Council of Europe Committee for the Prevention of Torture (CPT) recommends a standard of 4m² for the size of cells that occupy one individual. These are indeed a set of standards that the Scottish Prison Service (SPS) aim to adhere to where possible to do so

CPT also acknowledge that there may be times where this is not possible. "In addition, cells of 8 sqm should not accommodate more than one person, except when absolutely necessary". It is important to note that while these standards are not laws, SPS will endeavour to ensure where possible, they are adhered to.

I am sure that you are aware that there has been an increase in the prison population and the complexities within the population that requires use of all available accommodation and as such, there are times where cell sharing is required in cells that are narrowly below the recommended standards. It has been necessary to do so with the numbers of individuals in custody.

Where this has been required, the Cell Sharing Risk Assessment has been implemented as normal for everyone in our care who is required to cell share.

SPS continue to work actively with its partners and stakeholders such as Scottish Government to support and manage the increasing prison populations.

Time out of cell

As per Rule 87 The Prisons and Young Offenders Institutions (Scotland) Rules 2011, every prisoner must be given the opportunity to take exercise or, where the weather permits, to spend time in the open air for not less than one hour every day. This provision will be factored into regimes throughout our estate. Establishments operate unique regimes specific needs to their needs; this will include the provision of exercise and purposeful activities such as work and access to education.

The provision of out of cell activities.

As mentioned above, each establishment will operate their own specific regime, I can however confirm that those in our care have a range of opportunities to engage in purposeful activity throughout the course of each week. For those who are of a convicted status, this includes, but is not limited to: work parties, education, and group activities with peers.

In addition, there are opportunities for all those in our care to attend the library, Gymnasium, religious services, take exercise in the open air for not less than one hour per day, attend recreation and visits, both in person and virtual.

The safety of those who live and work in our prisons is a key driver in all decisions made regarding the availability of a regime. All provisions are subject limitations depending on several risk factors including population numbers, staffing numbers and the ability to offer a safe and full-service provision by our partners.

Incidentally, there are occasions when an individuals access to specific opportunities may be restricted due to behaviour or specific risks attributed to the individual, activity or both.

Health care

NHS are the healthcare providers within SPS establishments. Since 2011, healthcare services within Scottish establishments have been delivered by NHS Scotland. Those in our care are seen by an NHS nurse upon admission where a Reception Risk Assessment (RRA) is carried out and medical needs are identified. NHS nurses are present in establishments on every working day and mimics healthcare services from the community.

Long-term and Short-Term

Rule 45 governs the notion that long-term prisoner may have different privileges than short-term prisoners. For example, some establishments allow Long-term prisoners (LTPs) to keep more property in storage and in use than Short-term prisoners (STPs). This is based on their need to utilise more items over a longer period of time and storage facilities available.

I can advise that both LTPs and STPs, convicted and untried prisoners have access to healthcare. This is governed by Rule 38 whereby "The Governor must, without delay, bring to the attention of a healthcare professional any prisoner whose physical or mental condition appears to require the attention of a healthcare professional."

Furthermore, during the period where there were COVID-19 restrictions, establishments followed the approach set out by Scottish Government and applied restrictions within our establishments in consultation with both Scottish Government and Public Health Scotland.

Differences between case management and access to programmes for LTPs and STPs

In terms of Case management and programmes, there are some differences for LTPs and STPs which I have endeavoured to explain below.

Case Management

With regards to case management, all LTPs are subject to post release supervision within the community. Their release can be directed by the Parole Board prior to their Earliest Date of Liberation, and they are managed on a Parole Licence. If released at Earliest Date of Liberation they are managed on a non-parole licence for 6 months unless an extended sentence prisoner, they are managed for a period of time set by the sentencing judge.

The difference for STPs is that they are usually released with no post release supervision unless they are subject to a Supervised Release Order (SRO) which is for a maximum period of 12 months. If this is breached, they are referred to court for review and could be recalled to custody to complete their original sentence.

Both LTP's and STP's are entitled to 12 months voluntary throughcare with their local Social Work Authority

Programmes

STPs can attend a programme but due to sentence length, there are few Prisoners who participate. STIP stands for Short-Term Intervention Program (STIP) and is available in some establishments. Programmes offered will differ in establishments. For example, HMP Shotts would not offer STIP as they do not house STPs and there would be no requirement.

LTPs receive a Generic Programmes Assessment, and the outcome discussed at a programmes case management board (PCMB) with programmes officers and psychology where an appropriate programme is recommended. Once a programme is identified, the individual will be placed on the national waiting list before commencing their programme. Programmes for LTPs are of medium to high intensity which is in line with the offence and sentence that they are completing.

I trust this information is helpful.

Yours sincerely



TERESA MEDHURST
Chief Executive