

**Scottish Public Services Ombudsman's response
to the Scottish Government's Further Consultation
on the Draft Public Services Reform (Inspection and Monitoring of Prisons)
(formerly Prison Visiting Committees) Order 2014**

I am writing in response to the further consultation on the Draft Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2014.

I was pleased to note the changes to the previous draft order to clarify the proposed role of IPMs (Independent Prison Monitors) in complaints handling. As my response to the earlier consultation noted, there are significant benefits in allowing IPMs to take on an active support and, at times, advocacy role to prisoners who wish to raise complaints. I am aware that prisoners can be particularly vulnerable, and having this support to raise concerns will be invaluable to some.

I am also pleased that it has been clarified that IPMs will not replicate the role of my office in investigating complaints. As well as resolving this, I think this clarification strengthens the ability of IPMs to help prisoners and it certainly does not prevent IPMs acting swiftly and informally when urgent situations occur.

In my response, I questioned whether SPSO would be able to take complaints about what were then termed lay monitors. As set out in the current draft, I would not be able to take complaints about IPMs. I think that, given they will have a role in assisting prisoners to complain, this is appropriate.

However, the position of PMC (Prison Monitor Co-ordinators) is not so straightforward. Their role is now set out as one of administration and support. They will be appointed by Scottish Ministers (who are under our jurisdiction) and be given instruction and guidance by the Chief Inspector of Prisons (also under our jurisdiction). At present, I am of the view that, in order for us to take complaints about PMCs themselves, they would likely require to be listed or designated as office holders in the Scottish Administration. They are not listed using the draft order and it is not clear they will be given the status of office holders. Therefore, I would welcome the Scottish Government making clear their views on how complaints about them should be handled and any reasons for this. If it is the view of the Scottish Government, that we should be able to consider complaints against PMCs, I will be happy to discuss the way by which this could be achieved.

Jim Martin
Ombudsman

13 October 2014