Self-assessment of the UK NPM

1. Background

In February 2012 the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) published its 'Analytical self-assessment tool for National Preventive Mechanisms: A preliminary guide by the Subcommittee on Prevention of Torture regarding the functioning of an NPM'. Alongside its existing 'Guidelines on national preventive mechanisms', this document clarifies the expectations of the SPT regarding the establishment and operation of NPMs.

In November 2013 the SPT recommended to the UK NPM that it use the self-assessment tool as a way of examining its effectiveness and efficiency with a view to improving its working practices. UK NPM members agreed to use the tool to evaluate their compliance with different aspects of the formal NPM mandate. The self-assessment process fed into other activities during the NPM's five-year anniversary that encouraged reflection on the role and effectiveness of the UK NPM to date.

2. Methodology

The task of applying the tool to a complex multi-body NPM, made up of 20 different monitoring bodies working in different jurisdictions, with different powers and working methods, was not straightforward. A narrative document full of important and detailed principles and standards, the SPT's tool had to be adapted to a format that could be easily applied by individual NPM members. It was also important that these individual self-assessments could feed into a comprehensive picture of the multi-body NPM as a whole, as a means to identify common themes and issues.

i. Adapting the tool

The narrative tool was turned into a questionnaire (see Annex) by the NPM Coordination. This converted the detailed principles and standards set out by the SPT into 59 discrete questions. A 'red, amber, green' classification system for answers, indicating 'full compliance', 'partial compliance', 'not currently compliant', was used. Comment boxes were included to capture any further narrative and references to the SPT document were also included. The tool was circulated to NPM members as an Excel sheet with pre-programmed drop-down boxes for the graded responses.

---

1. Analytical self-assessment tool for National Preventive Mechanisms, CAT/OP/ http://www2.ohchr.org/english/bodies/cat/opcat/docs/AnalyticalTtoolsNPM_en.doc
2. Guidelines on national preventive mechanisms, CAT/OP/12/5 http://www2.ohchr.org/english/bodies/cat opcat/docs/SPT_Guidelines_NPM_en.doc

In reviewing the content of the tool to identify the questions, we noted that important points regarding the NPM's compliance with OPCAT from the SPT's guidelines on NPMs had not been reflected in the self-assessment document, namely on addressing conflicts of interest and protecting confidential information. We decided to include these points in the questionnaire, referencing appropriately.

Alongside the questions that related to individual NPM members, we identified 16 questions that were of specific relevance to the NPM coordination function. These were included in a separate sheet. We also identified 18 questions that were relevant to the State and its role in ensuring the NPM could perform its mandate and these were included in a third sheet.

It is worth noting that the SPT tool provided more detail on some of the OPCAT requirements of NPMs (in particular the requirements around NPMs' visiting functions) than others (submitting proposals and observations on legislation, about which there was only one question identified).

ii. Applying the tool

A formal letter was sent to all NPM members by the NPM Coordinator, on behalf of the Steering Group, setting out the rationale for the exercise and asking them to fill in the tool. NPM members were given a month to fill in the tool and regular reminders were sent.

The process by which NPM members answered the self-assessment questions varied. Some discussed answers at board level, some among small groups of colleagues directly involved in NPM work, and one member submitted its response to external peer review.

The NPM Coordination filled in the section relating to coordination functions and invited input into its proposed response from across the NPM by email. The Government was made aware of the NPM's plans to conduct a self-assessment and the NPM's interest in an official Government response to relevant questions.

iii. Processing the results

All but one of the 20 NPM members responded to the self-assessment, a response rate of 95%. The Government welcomed the review of OPCAT compliance but did not provide a formal response.

All responses were logged into a master version of the questionnaire to allow NPM members and Coordination to see responses across the whole NPM. The red, amber and green classification of responses made it easier to note similarities, patterns and differences.

A number of different analyses of NPM members' answers were performed according to:
· jurisdiction (England and Wales; England; Wales; Scotland; Northern Ireland)
· type of body (lay and voluntary bodies; professional bodies)
· detention setting
· member
· question.

In addition, we identified all questions of the tool relating to specific OPCAT issues and analysed responses on each of these, as follows:

- reporting, publishing and disseminating NPM work
- work relating to individual cases (including reprisals)
- OPCAT Article 19 requirements (examining the treatment of detainees; making recommendations; submitting proposals and observations on legislation).

iv. Sharing the results

Responses to the questionnaire were shared in full within the NPM and were tabled for discussion at a business meeting. The overall analysis of responses was presented publicly at the NPM's five year event in 2014[3] and published in the NPM Fifth Annual Report 2013–14[4], without identifying individual NPM members' responses.

3. Conclusions and next steps

i. Promoting reflection on the NPM

The process of self-assessment promoted systematic internal reflection and also raised NPM members' awareness of specific requirements arising from OPCAT. Although NPM members already evaluate and assess their own organisational work and effectiveness in different ways, this process encouraged them to evaluate for the first time how they integrate specific OPCAT requirements into their work. For an NPM made up of pre-existing bodies, this approach has been useful to further members' understanding of what being part of the NPM requires.

For a multi-body NPM it is important that evaluation and assessment reflect both the work of individual members and the NPM as a whole. The exercise allowed members to identify specific areas on which they need to make progress, as well as common themes and issues that could be addressed across the NPM.

ii. The nature of self-assessment

Self-assessment is, by its nature, subjective and members were aware that comparing results across the exercise could oversimplify complex issues, and fail to identify different perceptions of compliance. By publishing and discussing the results in public forums, the NPM has ensured that those who collaborate with or have an interest in its work can review and challenge its findings.

One NPM member put its response through a peer challenge process, using a methodology similar to the internal challenge process that it uses during its detention monitoring, and this was identified as good practice by other members.

iii. Improving compliance with OPCAT

The SPT sets out in its guidelines on NPMs that '[the] development of national preventive mechanisms should be considered an ongoing obligation, with reinforcement of formal aspects and working methods refined and improved incrementally'.

---

3. A detailed write-up of this event can be found on the UK NPM website.
4. Monitoring places of detention: Fifth Annual Report of the UK's National Preventive Mechanism, 2013-14. http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/07/NPM-Annual Report-2013-14-web.pdf
5. UN SPT, Guidelines on national preventive mechanisms, para.2

In engaging with the SPT's self-assessment tool, UK NPM members have sought to identify for themselves areas that require strengthening and improving. Strengthening working methods across the NPM is an incremental process, with some aspects easier to achieve than others. Members will identify areas to prioritise within their institutions, and the NPM Coordination and Steering Group will focus on cross-cutting approaches.

iv. Assessing the role of all actors

Although the SPT's tool is aimed at NPMs themselves, several important elements of the self-assessment relate to an NPM's formal powers and constitution. To answer these meaningfully requires input from and dialogue with the State.

In a multi-body NPM, the self-assessment needs to include all members. However, as one body designated to the UK NPM does not currently carry out any detention monitoring or visiting (though it has the formal powers to do so if necessary), this meant that its responses to the questions were negative, affecting the picture of OPCAT compliance across the NPM.

v. Next steps

The self-assessment exercise has helped NPM members and its governance to prioritise specific areas where OPCAT compliance can be strengthened. This will feed into the NPM's business planning.

While acknowledging the complexities of capturing some issues in a questionnaire, and the subjective nature of perceptions of compliance, NPM members found the first attempt at the self-assessment exercise to be worthwhile.

As a result, the UK NPM has agreed to apply the self-assessment tool annually as a means to chart its own progress, ensuring assessment leads to concrete improvements. Peer review will be introduced by members to address the subjective nature of the exercise, and promote shared understanding and dialogue around members' work within the NPM.

In line with the SPT's stipulation that NPMs should develop over time, reinforcing the formal aspects of their mandate and exercise of their powers, as well as incrementally improving and refining their working methods, the UK NPM hopes that future iterations of its self-assessment will feed into a discussion with the UK Government about its role in supporting NPM strengthening.

Finally, the UK NPM has provided input to the SPT on its original self-assessment document with a view to strengthening this and contributing to any further documents drafted.

For further information please contact:
Louise Finer, NPM Coordinator, louise.finer@hmiprisons.gsi.gov.uk

Annex - Self-assessment tool

UK NPM Self-Assessment Questionnaire

		SPT SELF ASSESSMENT TOOL		
		For NPM members		
OUR REF	SPT REF	NPM SELF ASSESSMENT STATEMENT	RAG STATUS	ADDITIONAL COMMENTS
INTRODUCTION				
1.1	I.1	The NPM member conducts regular visits to places of detention in order to prevent torture and ill-treatment, and to strengthen the protection of persons deprived of their liberty		
1.2	I.1	The NPM member makes recommendations to the relevant authorities with the aim of improving the treatment and conditions of persons deprived of their liberty and to prevent torture and ill-treatment		
1.3	I.1	The NPM member makes proposals and observations concerning existing and draft legislation		
1.4	I.2	The NPM member's functional independence is guaranteed		
1.5	I.2	The NPM member has the necessary resources to carry out its functions in accordance with the requirements of OPCAT		
1.6	I.2	Relevant authorities examine the NPM members' recommendations and enter into dialogue about their implementation		
1.7	(G) II.B.30	The NPM member carries out all aspects of its work in a manner which avoids actual or perceived conflicts of interest		
1.8	(G) II.B.30	- this includes ensuring NPM members do not hold or acquire positions which raise questions of conflicts of interest		
DEVELOPMENT STRATEGY OF THE NPM				
1.9	II.4	The NPM member organises its human and financial resources to ensure all aspects of its NPM role are fulfilled		
1.10	II.5	The NPM member monitors and analyses its activities and outcomes as a means to learn lessons and develop practices		
1.11	II.7	Staff receive appropriate training in order to carry out their role within the NPM effectively		
INTERNAL ORGANISATION				
1.12	III.8	The NPM member has appropriate internal policies and procedures to fulfil its mandate (these may address the following: employment and dismissal of staff; decision making; organisation of the office; its work and budgets; visits to places of detention and report-drafting)		

IMPLEMENTATION OF ACTIVITIES

		For the purposes of planning its activities, the NPM member:
1.13	IV.A.9	- has an inventory for all places of detention within its remit
1.14	IV.A.9	- has an archive of all relevant and available information about places of detention within its remit and the treatment of persons held there
1.15	IV.A.10	- has criteria for the selection of places to be visited that ensure all places of detention are visited regularly, taking into account the type and size of institutions and the level of the known human rights problem
1.16	IV.A.11	- the composition of its visiting team brings the necessary knowledge, experience and skills
1.17	IV.A.11	- gender-balance and adequate representation of ethnic and minority groups in the visiting team
1.18	IV.A.11	- the visiting team has the necessary human resources and time needed to carry out its tasks
1.19	IV.A.12	- has a strategy for prioritising legislation to be commented on
		The NPM member's visit methodology:
1.20	IV.B.13	- includes guidelines for visits to places of detention, to include: conducting private interviews, dealing with vulnerable groups, ensuring information from all available sources is collected
1.21	IV.B.14	- ensures all facilities within an institution are visited
1.22	IV.B.14	- assesses registers, case records, activities and services
1.23	IV.B.15	- ensures cross-checking and assessment of observations
1.24	IV.B.15	- ensures systematisation of data reflecting serious and generic problems
1.25	IV.B.16	- includes an immediate debriefing is held with authorities at the end of the visit
1.26	IV.B.18	- includes clear guidelines for reporting individual cases of deliberate ill-treatment (to include requesting inquiries, maintaining the confidentiality of the victim, and protecting such persons from reprisals)
1.27	IV.B.17	The NPM member considers developing a code of conduct for its visiting teams (to include addressing detainees and staff, how and when to conduct individual or group interviews, handling security issues, ensuring confidentiality, managing internal debriefings)
		The NPM member's visit reports:
1.28	IV.C.19	- focus on the most important issues
1.29	IV.C.19	- note, file and analyse good practice
1.30	IV.C.19	- analyse cases of deliberate ill-treatment to identify gaps in the protection of persons deprived of their liberty

1.31	IV.C.20	- contain recommendations that are well-founded, have a preventive focus and are feasible in practice
1.32	IV.C.21	The NPM member has a strategy for submission, publication and dissemination of visit reports

		To follow up on recommendations for changes, the NPM member:
1.33	IV.D.22	- maintains dialogue with government authorities and inspected institutions regarding the implementation of recommendations, including written and oral exchanges
1.34	IV.D.22	- publishes annual reports, which include the outcome of dialogue with authorities
1.35	IV.D.24	- verifies the implementation of recommendations regularly through follow-up visits to non-performing institutions

		To prevent reprisals, the NPM member:
1.36	IV.E.25	- has developed a strategy for the prevention of reprisals or threats against people interviewed during visits and people who provide information during visits
1.37	IV.E.25	- has a policy setting out the types of information that can be collected in group interviews and the types of information that should only be collected in private interviews
1.38	IV.E.25	- follows up and monitors cases of particular concern
1.39	IV.E.25	- seeks and facilitates the intervention of others as part of the strategy
1.40	IV.E.25	- acts upon information which gives rise to concerns about possible reprisals received from others
1.41	IV.E.25	- with the consent of the detainees concerned, brings cases of particular individuals at risk of reprisals to relevant authorities
1.42	IV.E.25	- seeks to ensure that a disciplinary or criminal investigation is initiated in cases of alleged reprisals

CROSSCUTTING ISSUES

		The NPM member has established:
1.43	V.A.30	- lines of communication with relevant ministries and those responsible for the administration and management of the places of detention within its remit
1.44	V.A.31	- a mechanism for communicating and cooperating with relevant authorities on the implementation of recommendations
1.45	V.A.31	- this mechanism includes urgent action procedures
1.46	V.A.31	- a means for addressing and resolving any operational difficulties encountered during the exercise of its visits
1.47	V.A.31	- a policy for publishing reports and findings

1.48	V.A.31	- a policy regarding the production and publication of thematic reports
1.49	V.A.32	- a strategy for cooperation with other national actors on torture prevention
1.50	V.A.32	- this strategy includes cooperation on follow-up of cases of suspected or documented torture or ill-treatment
1.51	V.A.33	The NPM member has a strategy for making its work and mandate known
1.52	V.A.33	The NPM member has established a simple and accessible procedure to provide information to the general public
		The NPM member has appropriate systems in place:
1.53	V.B.34	- to categorise, file and process information gathered from its visits to places of detention
1.54	V.B.34	- to categorise, file and process its recommendations and responses to them
1.55	V.B.34	- that use information gathered during visits to support ongoing work planning and strategy development
1.56	(G) III.B.37	The NPM member ensures that any confidential information acquired in the course of its work is fully protected
1.57	V.C.35	The NPM member advocates for the provision of resources necessary to exercise its mandate effectively
1.58	V.C.36	The prioritisation of resources to the most important problem issues and institutions does not lead to any particular form of institution or geographical area being disregarded from the NPM member's work
1.59	V.D.37	The NPM member has a strategy for ongoing training and development of its working methods