



UK National Preventive Mechanism **Business Plan Overview 2023-2025**

April 2023

Introduction

The UK NPM exists by virtue of the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We are a group of 21 independent scrutiny bodies designated by Ministers to inspect, monitor and visit places of detention.

Our primary objective is to prevent ill-treatment in places of deprivation of liberty.

The UK NPM Secretariat is a team of 2.5 FTE staff who exist to coordinate and support the fulfilment of this primary objective. They are led by a Grade 7 Head of UK NPM Secretariat and supported by 2 HEO Assistant Coordinators. One hosted within HMIP and the other in HMIPS. The Secretariat receives a budget from the Ministry of Justice to fulfil its objectives in addition to member contributions.

In July 2022, the UK NPM agreed the following strategic objectives:

1. To support NPM members in delivering their own responsibilities under OPCAT
2. To undertake collective work and take joint action with a view to preventing ill treatment of detained people in the UK
3. To promote awareness and understanding of OPCAT principles and the work of the NPM in the UK
4. To liaise and work with international mechanism and organisations with a mandate to prevent ill treatment of detained people.

In addition, the NPM is guided by four key principles:

- **Detainee Focussed**
 - The treatment and conditions of detainees will always be the core of our work.
- **Independence**
 - We are independent of government and external influence. We are impartial, balanced and without bias.
- **Human Rights**
 - We are a human rights organisation and human rights experts. Our parent treaty is the UN Convention against Torture, but we recognise human rights are interconnected and as such all human rights are relevant to our work.
- **Collaboration**
 - We work collaboratively with each other, sharing expertise and good practice. We work collaboratively with civil society and external partners to broaden our perspective and help fulfil our objectives.



Context

The UK NPM has been carrying out a number of necessary internal changes which have dominated capacity over the last year. This has included a governance review, a changeover of staffing and chair, and a review of internal procedures.

This Business Plan will therefore run for a two-year cycle to allow for a period of stabilisation and an opportunity to develop a number of large scale, ambitious substantive projects. There are also a number of international requirements and core reporting cycles the NPM is committed to, which will take some capacity.

While the individual members of the NPM are authoritative and respected bodies, the UK NPM, in recent history, has had mixed credibility both internally and externally. The NPM have not been visible enough, there has been concern that there has been attempts to adopt too much of a prescriptive approach with our membership, and there has been loss of focus on objectives. This has been clear from our internal strategic review, SPT recommendations, and informal organisational health check conversations with members by the Head of UK NPM Secretariat.

As part of the UK NPM commitment to improvement and transparency, the transition period has been one of taking stock and reflecting on our practice. We have fully consulted with members as part of the internal strategic review, considered the recommendations from the SPT and been developing open dialogue with members.

The focus of this Business Plan cycle following this review will be to develop the NPM into a fully credible resource for members and international bodies looking to develop their own framework.

Working closely to our strategic objectives, our outputs will facilitate shared learning amongst members, undertake collective work where appropriate, and deliver international reputational excellence.

While a 21-body membership has challenges, one of our great benefits is the highly developed expertise across detention settings and regions of the UK. Our efforts will work to capture and maximise this expertise for greater impact.

While recognising the independence of individual members, we will also work to develop cohesive NPM-wide resources. This will include central secretariat resource development, training and induction material, and research.

Our output and report writing will streamline, with the goal of increasing reach and readership. By streamlining reports and delivery methods, the UK NPM will demonstrate the impact of its members cohesively.

In this cycle the NPM will also operationalise our new governance arrangements and evaluate their effectiveness. We will continue to support our regional sub-groups and establish new task and finish groups where there is appetite.



While this Business Plan will run for a two-year cycle, the Head of UK NPM Secretariat will provide an update to the full membership in April 2024 on its implementation. Ongoing accountability will continue throughout the year to the NPM Steering Group which will meet quarterly.

UK NPM Secretariat Team April 2023

Sam Gluckstein, Head of UK NPM Secretariat
Jane Kilpatrick, NPM Assistant Coordinator
Vacant, NPM Secretariat Officer, Scotland

Chair – Wendy Sinclair-Gieben, HM Chief Inspector of Prisons Scotland



Project Overview

<p>SP 1 - To support NPM Members in delivering their own responsibilities under OPCAT</p> <ul style="list-style-type: none"> • 1.1 Preventive Project • 1.2 Develop Members Area Website and Training Gaps Analysis • 1.3 Ad Hoc Training and Support to Membership 	<p>SP 2 - To undertake collective work and take joint action with a view to preventing ill treatment of detained people in the UK</p> <ul style="list-style-type: none"> • 2.1 Recommendations Database Phase • 2.2 Arising Detention Issues – Task and Finish Groups • 2.3 National Sub Groups
<p>SP 3 - To promote awareness and understanding of OPCAT principles and the work of the NPM in the UK</p> <ul style="list-style-type: none"> • 3.1 Visibility Raising • 3.2 NPM Induction • 3.3 Annual Reporting 	<p>SP 4 - To liaise and work with international mechanisms and organisations with a mandate to prevent ill treatment of detained people</p> <ul style="list-style-type: none"> • 4.1 Major Evidence Submission • 4.2 International NPM Work

Internal Management Objectives

5.1 Operationalised and Evaluated Governance Arrangements

5.2 Additional Internal Compliance Policies Developed

5.3 Membership Review

5.4 Effective Management of Secretariat Team

5.5 Financial and Budgeting Reporting to Steering Group

Strategic Objective 1 - To support NPM members in delivering their own responsibilities under OPCAT

1.1 Preventive Project

Aim: A detailed and accessible guidance package will be developed on a preventive approach to inspection and monitoring, over and above the carrying out of unannounced visits.

Outcome: NPM members will have access to resources and increased capacity to develop their functions under the OPCAT mandate. Scrutiny work will be enriched with greater understanding of what OPCAT requires which, it is hoped, will ultimately benefit detainees. Existing good practice amongst members will be captured and showcased. The UK NPM will contribute to the global conversation around how preventive monitoring of closed conditions can be applied in practice.

Rationale: The preventive mandate of OPCAT can be ambiguous and unclear. The UK NPM has been established since 2009 and a renewed focus on how we fulfil our mandate is overdue. The UK NPM has been successful in securing funding from the United Nations OPCAT Special Fund to go part way to funding this project.

Timeline: It is expected that this project will be concluded by March 2024.

1.2 Develop Members Area Website and Training Gaps analysis

Aim: To create a “members area” of the NPM website to support work and carry out a training gaps analysis.

Outcome: The NPM website will be redeveloped to include a secure members area. This will allow for all circa. 3500 monitors and inspectors of detention settings to access a repository of training resources. The website will also have a forum for members to pose questions and discussion points on the NPM mandate. We will examine who should have access to the forum to consider moderation requirements. The secretariat will also be able to use this new functionality to support members and reduce reliance on emails. Once training and resources are collated, we will identify further opportunities for development through a gap analysis.

Rationale: There is currently no central collection of available resources for those carrying out NPM work. The website will be able to capture good work from members to avoid duplication of effort and allow the secretariat to identify gaps to produce new resources. This will also increase internal visibility of the NPM and will help to facilitate a more cohesive NPM membership.

Timeline: Initial scope is expected by Oct 2023, pending budget it is hoped this project can be delivered by March 2024.



1.3 Ad Hoc Training and Support to Membership

Aim: The secretariat will offer ad hoc support and advice to members where needed on the implementation of OPCAT.

Outcome: The secretariat is often asked for advice on an ad hoc basis regarding the implementation of OPCAT responsibilities amongst our members. This will continue to be provided, but will be recorded so as to identify systemic areas that may benefit from a wider piece of training.

Rationale: as above.

Timeline: Ongoing.

Strategic Objective 2 - To undertake collective work and take joint action with a view to preventing ill treatment of detained people in the UK

2.1 Recommendations Database – Phase 1

Aim: Develop a codified database of recommendations (broadly understood) across the 21 members.

Outcome: Searchable by theme, an online database will be developed, collated and codified to be hosted on the NPM website. This is phase 1 of a 2 phase project which, if successful, will act as a springboard for research and joint work. Phase 2 will look to monitor implementation of recommendations by receiving bodies.

Rationale: The development of a recommendations database will help identify areas of joint concern or cross cutting interest. It will aid in giving the NPM an overview of detention issues in the UK and will pull together the work of the membership. It is recognised not all members produce recommendations (See annex 1) and not all are legally allowed to publish them, care therefore needs to be taken to ensure that the overview available on the database is not the sole method of members concerns being recorded. It is hoped that this project will ultimately enable a greater accountability for the state in implementation of NPM concerns.

Timeline: It is expected a prototype of this database will be operational by October 2024.

2.2 Arising Detention Issues – Task and Finish Groups

Aim: To reserve around 15% capacity of the NPM to respond to arising issues in detention.

Outcome: Various – such as evidence to parliamentary committees, publication of factsheets, statements, joint letters, submissions to government and parliament consultations.

Rationale: Matters in detention are fast moving and often require quick responses. The NPM will reserve capacity to respond to areas of concern amongst members as and when they arise. OPCAT 19(c) gives NPMs authority to submit proposals and observations concerning existing or draft legislation. There has been growing appetite amongst some members for the NPM to exercise this area of our mandate. All work undertaken will be carried out in accordance with the constitutional agreement around public facing work.

Timeline: Ongoing



2.3 Regional Sub Groups

Aim: To continue to support and grow the work of the NPM Regional Sub Groups

Outcome: The secretariat will work with the individual chairs of these groups to develop workplans and output specific to their requirements. This will enhance the reach of the NPM across Northern Ireland and Scotland.

Rationale: There is active support for the continued operation of the regional sub groups from the membership.

Strategic Objective 3 - To promote awareness and understanding of OPCAT principles and the work of the NPM in the UK

3.1 Visibility raising

Aim: To increase visibility of the NPM, what it is for, and what it does.

Outcome: All individuals carrying out the NPM mandate will be issued with an NPM lapel pin. The website will be redeveloped, updated and refreshed to be more engaging. A social media strategy will be developed. Increased output of short factsheets will promote substantive engagement in work. Quarterly internal newsletter produced to highlight work of secretariat and membership. Engagement meetings with parliamentary committees and NPM Steering Group will be facilitated. The Chair and Head of Secretariat will also host quarterly internal drop-in sessions to enable any member to raise areas of interest.

Rationale: The NPM footprint can be lost amongst the great individual work of our members. We will work to complement this and explain the value and contribution of the NPM. This is a requirement of OPCAT and a recommendation from the SPT. It is evident that there is not a developed understanding of what the NPM is or what we can jointly achieve.

Timeline: Ongoing, but success reviewed in April 2024

3.2 NPM Induction

Aim: Induction material will be developed for multiple audiences on what the UK NPM is and how it works.

Output: We will develop interactive and accessible induction material for use by inspectors and monitors to give a greater understanding of the NPM. We will also develop briefs for parliamentarians and other stakeholders to increase visibility and awareness of the NPM.

Rationale: The NPM needs to update its materials and ensure they are fully accessible and engaging for its membership and external interested parties. This renewed approach will build visibility and awareness of the NPM internally and externally.

Timeline December 2023

3.3 Annual Reporting

Aim: To review the mechanism by which the NPM reports annually

Output: A concise, timely and accessible annual report.

Rationale: We are required to produce an annual report under OPCAT, but assessment has shown that this process has been too burdensome for the resulting impact. The requirements to lay in parliament have also presented difficulties and posed challenges about the independent nature of the NPM. Attempts to streamline were made for the 2021/2022 report – this will be reviewed and built upon.

Timeline: Annual reporting cycle

Strategic Objective 4 - To liaise and work with international mechanism and organisations with a mandate to prevent ill treatment of detained people.

4.1 Major Evidence Submission

Aim: To provide evidence to the UN Committee Against Torture

Output: The NPM will respond to the UK state report and the UN list of issues in detention as the committee examines the UK. We anticipated this to be last year, however the delay at UN level has meant this will fall in this business plan cycle.

Rationale: CAT is our parent treaty and a good opportunity to influence the recommendations of the UN to the UK and improve outcomes for people deprived of their liberty.

Timeline: UN dependent but currently anticipated June 2024

4.2 International NPMs

Aim: To continue to provide guidance and collaboration with international NPMs

Output: Regular meetings with other NPMs. Continued work and engagement with interested parties including APT, DIGNITY, UN, COE, CPT, ODHIR amongst others.

Rationale: Opportunities for shared learning amongst our practices and reputational benefits for the UK NPM.

Timeline: Ongoing



Internal Management Objectives

5.1 – The NPM constitution will be operationalised and evaluated after an 18-month period at which point further reforms will be considered.

5.2 A series of governance documents to complement the constitution will be developed including but not limited to MoJ/NPM MoU, HMIP/NPM MoU, Expense Policy, Terms of Reference, Anti Racist Policy, Whistleblowing Policy, Conflict of Interest Policy.

5.3 A gap analysis and review of NPM membership will be undertaken to ensure all areas of detention are captured. We will consider some of the eccentricities of the membership (for example SHRC is a member, EHRC & NIHRC are not. HIW is a member, HIS is not).

5.4 Ongoing professional training and development of the secretariat team. Recruitment of vacant position.

5.5 Financial and budgetary reporting to the Steering Group.



Annex 1 – Recommendations Paper

The Committee Against Torture’s guidance for the functioning of NPMs (CAT/OP/1 SPT) requires that NPMs: ensure that important, concrete and contextual observations arising from its visits to institutions, its recommendations and the responses from authorities are categorised, filed, and regularly processed for use in dialogue with the authorities for the ongoing planning of work and the further development of strategy.

Format of members’ recommendations

Across membership recommendations as defined above are variously called:

- areas for improvement
- requirements
- recommendations
- next steps
- strategic recommendations
- operational recommendations
- improvements
- immediate concerns
- areas for development
- causes for concern
- priority concern
- etc.

Care Inspectorate

The Care Inspectorate inspects secure care for children and supports HMIPS in some of their inspections. Inspection teams use the quality framework for children and young people in need of care and protection, supporting the key principles of the National Health and Social Care Standards, to evaluate the quality and effectiveness of provisions, to focus on how well the service is contributing to the good experiences and outcomes for the child. According to S. 57 Public Services Reform (Scotland) Act 2010, after completing an inspection, the report must be sent to the service provider under inspection without delay.

The Care Inspectorate publishes reports of inspections and joint inspections. For joint inspections, these contain key findings, which refer to what is working well, and what is not working well. The service under inspection is required to produce an improvement plan, and the Care Inspectorate will monitor progress on this plan.

For registered care services, the Care Inspectorate’s inspection reports can record areas for improvement and requirements. Enforcement action can be taken if necessary improvements are not made.

While the main business of the Care Inspectorate as it relates to the NPM lies in the duty to regulate secure care for children and young people, other aspects of our work relating to adults and older people occasionally takes the organisation into NPM territory. These have



their own bespoke frameworks, all based around the health and care standards which apply across the age spectrum.

Children's Commissioner for England

The CCE conducts visits to sites and has the option to publish reports on “any matter considered or investigated”, including policy briefings (S.2C Children Act 2004). Where the report contains recommendations about the exercise by a person of functions of a public nature, the Commissioner may require that person to state in writing, within such period as the Commissioner may reasonably require, what action the person has taken or proposes to take in response to the recommendations (S2(3)).

In inquiries raising broader issues of public policy, the CCE may publish a report containing recommendation (S.3(5) Children Act 2004). S.2 The Children Act 2004 also allows the Commissioner to “advise” persons exercising public functions on how to act compatibly with the rights of children.

Care Inspectorate Wales

CIW register, inspect and take action to improve the quality and safety of regulated services for the well-being of the people of Wales. Reports on services are prepared and sent to service providers as soon as reasonably practicable after an inspection. The report will include an assessment of standards and the organisation and coordination of regulated services, and, where relevant, a rating. CIW's regulatory function means it can recommend the cancellation of the registration of a service provider.

Reports of CIW inspections identify strengths and “areas for development”. CIW then monitors progress through ongoing engagement activity.

Criminal Justice Inspection Northern Ireland (CJINI)

CJI is an independent Inspectorate which under law is required to make all its reports publicly available. It must also lay all its reports before the Northern Ireland Assembly, present inspections reports to the Minister for Criminal Justice and other responsible Ministers, and the relevant departmental or standing committee. CJI's thematic reports also make recommendations.

Reports make a range of strategic and operational recommendations. For example, in its recent report on the operation of Bail in Remand in Northern Ireland, strategic recommendations include actions for the Department of Justice (undertaking public consultation on a Bail Act) and Police Service of Northern Ireland (develop an options paper), the Criminal Justice Board (commissioning the establishment of governance and delivery arrangements). Operational recommendations include actions for the Police Service of Northern Ireland and the Public Prosecution Service. Recommendations are relatively detailed with departmental responsibility for follow-up made clear.

A report of An inspection of Woodlands Juvenile Justice Centre includes strategic recommendations for the Youth Justice Agency (with a 12month timescale), and operational recommendations for the Acting director of the facility regarding staff roles and training and data management, for the leadership team and for the relevant authorities.

Care Quality Commission (CQC)

CQC inspects, reviews and investigates health and social care services, under a range of legal powers and duties. It publishes two annual reports, one specifically focussing on the Mental Health Act (MHA), the other (State of Care) a general report that will cover other areas of deprivation of liberty (for example in care homes). CQC's inspection reports of health and social care providers are published, but its monitoring reports following MHA visits to hospitals are not currently published. CQC may also investigate complaints under its MHA remit, although the number of such investigations are few. Where CQC identifies failings in a service, its reports make recommendations for improvements, such as changes in policies or practice and, in the case of individual complaints investigations, may recommend financial compensation for the complainant. The provider is expected to confirm the actions they will take to implement recommendations and to notify CQC when they have done so.

CQC also carries out thematic investigations, publishing reports and following up on recommendations made. For example, the Restraint, segregation and seclusion review: Progress report (March 2022) describes progress made against recommendation made in the Out of sight – who cares? report of October 2020. (Out of 17 recommendations, four had been partly achieved, 17 had not been achieved, and none had been fully achieved). Recommendations were detailed, including identifying a lead organisation and other responsible organisations for achieving them.

Healthcare Inspectorate Wales (HIW)

HIW carries out reviews and investigations of services and may publish its reports according to the Mental Health Act 1983 s. 120A. In reports of service inspections, HIW identifies improvements and immediate concerns requiring immediate action from the service, which are outlined in appendices to the inspection report. Immediate concerns and other improvements might require the service to complete an improvement plan detailing actions taken. Improvement plans should clearly state how findings will be addressed, commit to specific, measurable, achievable and timed actions, and be sufficiently detailed to provide HIW and the public with assurance. Evidence against stated actions should be provided to HIW within three months of the inspection.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

S.55 of the Police Act 1996 requires inspectors of constabulary to publish reports in an appropriate manner and send a copy of the report to the Secretary of State, local policing body, and the chief officer of police of the service under inspection.

Reports set out causes of concern, recommendations and areas for improvement. Recommendations suggest priorities for focus, for example:



“The force should scrutinise the use of force in custody to show that when force is used in custody, it is necessary, justified and proportionate. This scrutiny should be based on accurate information and robust quality assurance.”

His Majesty’s Inspectorate of Constabulary Scotland (HMICS)

HMICS sends reports to Scottish Ministers, Authority and Chief Constable (where the report relates to the Police Service), according to S.78 and S. 79 of the Police and Fire Reform (Scotland) Act 2012. Reports are available to the public online, including annual reports.

Terms of Reference for inspection outline requirements for follow-up to recommendations and public reporting on progress. The Authority and Chief Constable must take measures “as they think fit in relation to the report” (S. 80 Police and Fire (Scotland) Reform Act 2012). Ministers may direct the Authority to take measures specified in the report, and the Authority must comply (S. 81).

His Majesty’s Inspectorate of Prisons (HMIP)

HMIP formally adopted areas of concern including priority concerns May 2022. Now, inspection reports include up to 15 key concerns, of which up to six are priority concerns. These are areas which should be given the most urgent attention by prison leaders, which are set out clearly in one or two sentences at the start of each report, with detail in the main text. The prison is expected to produce an action plan to respond to the concerns, which is published on the HMIP website. HMIP also carries out Independent Reviews of Progress, in which inspectors return to between 15 to 20 establishments a year to follow up on the progress made against the key concerns. These take place around eight to 12 months following a full inspection.

In some cases, an inspection of a prison, young offender institution or secure training centre, will identify significant concerns about the treatment and conditions of those detained. In these cases, The Chief Inspector of Prisons may issue an Urgent Notification, requiring the Secretary of State to publicly respond within 28 days. In the case of secure training centres, HMIP seeks agreement from HM Chief Inspector of Ofsted and the CQC’s Chief Inspector of Primary Medical Services and Integrated Care before doing this. The Secretary of State’s response must explain how outcomes for those detained in the institution will be improved in both the immediate and longer term.

HM Inspectorate of Prisons Scotland (HMIPS)

All inspection reports are relayed to Scottish Ministers and published on the HMIPS website. Inspection reports outline key recommendations, recommendations, and advisories covering a range of actions services “need to”, “should”, “must” and “are strongly recommended to” do. Responsible organisations are identified.

Recommendations are followed up via a “monitoring action plan”, with Prison Monitoring Coordinators part of post inspection meetings in which an action plan based on recommendations is produced. HMIPS also follows up through return visits following a full inspection.

Independent Custody Visiting Association (ICVA)

At the end of each custody visit, custody visitors prepare and submit to the local policing body a report including observations on conditions, facilities, rights, entitlements and health and wellbeing. Copies are given to the custody lead and sent to the scheme manager in the OPCC. If a visit concerns people detained under Terrorism legislation, a report must also be submitted to the IRTL. The PCCs and Policing Authorities to whom the report is submitted hold Chief Constables to account.

As well as individual visiting reports by custody visitors, ICVA itself publishes thematic reports with recommendations or those produced with partners. In *Just visiting? Exploring the effectiveness of independent custody visitors at monitoring race and gender equality in police custody*, the CJA make specific recommendations are made to the Home Office, to ICVA itself, to Police and Crime Commissioners, and HMIC. ICVA also corresponds with relevant policy makers to recommend changes to policy, e.g. regarding menstrual products in custody.

Independent Custody Visiting Scotland (ICVS)

Reports are completed after each visit and submitted to the relevant authority, with reports about visits made to terrorist detainees also submitted to the IRTL. Issues arising are addressed locally, and escalated to a senior officer or the Police Authority if necessary.

Northern Ireland Policing Board - Independent Custody Visiting Northern Ireland (ICVSNi)

A report of each visit is submitted to the Policing Board and the PSNI Area Commander, dealing with conditions, welfare and treatment in detention. Though reports may not use the term “recommendations”, it is detailed that visitors make on-site requests or suggestions to custody staff, for example to check that meals are offered/provided at recognised mealtimes, removal of hazardous items. Subsequently, the Policing Board publishes an Annual Report for the Independent Custody Visiting Scheme which is shared with the Chief Constable and published on the Boards website

Independent Monitoring Boards (IMB)

IMBs shall “inquire into and report upon any matter into which the Secretary of State asks them to inquire”, and “direct the attention of the governor to any matter which calls for his attention” (S. 77 Prison Rules 1999). Similar provisions are made in S. 61 Immigration Detention Centre Rules 2001. IMBs report to the Secretary of State for Justice or any official with delegated authority over matters reported on. Reports will include any advice and suggestions deemed appropriate (S. 80(1) Prison Rules 1999). IMBs are not limited to reporting on that which the Secretary of State requests, and are free to report as they please, with a statutory duty to complete an annual report each year.

In practice, weekly reports of the IMB visits are not public but only submitted to the Governor of the establishment in question who is invited to respond to the recommendations made. The Prison Minister generally responds to the chair of the relevant IMB within eight weeks.¹



IMB will also directly communicate issues of concern to the secretary of State for Justice, not necessarily making explicit recommendations but requesting action or communication over a particular topic or prison.

Independent Monitoring Boards Northern Ireland (IMBNI)

IMBNI visitors report to the relevant Board, with all the Board's reports published annually. Annual reports from each IMB contain recommendations for changes and improvements, though in slightly varying formats. Recommendations from the Board at Magilligan Prison included a list of repeated and restated recommendations, for example "undertake the refurbishment of Foyleview", "improved computer access for prisoners". The report from the same year at Maghaberry incorporated observations and recommendations into prose reporting.

Independent Reviewer of Terrorism Legislation (IRTL)

IRTL must send a report of outcomes of reviews into the provisions of the Terrorism Act and other relevant legislation, and on reviews of the extension of detention of terrorist subjects, to the Secretary of State as soon as reasonably practicable (S.36(2) and (4B) Terrorism Act 2006).

Recommendations for legislative amendment and reform are included in report, which must be laid before Parliament.

The IRTL can conduct reviews and produce reports on specific issues, and give written or oral evidence to Parliamentary Committees.

Reports include "conclusions and recommendations", with examples including the amendment of sanctions, and publication of substantive response to findings.

Lay Observers

Reports are submitted following each Lay Observer visit to a court custody suite, indicating the level of concern against expected standards and commenting on how far detainees are treated with respect and decency, and the management of their welfare. Reports are aggregated monthly into a summary visit report, circulated to HMPPS, PECS, HMCTS central operations, HMCTS Property, HMIP, and the MoJ sponsor teams. National annual reports are public. In addition, a panel of Lay Observers makes recommendations to the Secretary of State.

The 2021-2022 annual report included recommendations such as the establishment of a senior multi-agency overarching group to follow up on itemised recommendations, reviews of human rights issues, improvements in inter-agency communications and IT. It particularly stressed the urgent need for the MoJ to provide statutory underpinning of the Lay Observers' structure.

Mental Welfare Commission Scotland (MWCS)



MWCS can publish conclusions relating to investigations, inquiries and visits, and concerning any actions taken in relation to such conclusions (S.10 Mental Health (Care and Treatment (Scotland) Act 2003). MWCS then uses visits to follow up on recommendations made. Responses to recommendations are expected within three months (unless specified), and return visits can be announced or unannounced.

Following a visit to Inverness Prison, for example, recommendations were made to NHS Highland managers to establish additional roles in prison health care, to review options to enable access to clinical and psychological therapies, and to develop care planning guidance for staff.

Ofsted

For secure children's homes, reports are completed by Ofsted, but are not publicly available in order that children are safeguarded. Ofsted makes statutory requirements and recommendations in inspection reports. Requirements are made under the Children's Homes Regulations 2015. Ofsted also have a range of enforcement powers to enact as appropriate. Following a judgement of "inadequate", Ofsted will carry out inspection activity in line with the framework.

For secure training centres, reports following inspections are published, including recommendations. If a judgement of "inadequate" is issued, the framework includes consideration of invoking an Urgent Notification process. Further inspection activity is carried out within eight weeks to ensure children are safe.

In Young Offenders Institutes, Ofsted only inspects education provision, supporting HMIP inspections.

In all inspections, Ofsted inspectors follow-up on actions taken to fulfil requirements and recommendations made at the last inspection, and the impact of this for children.

RQIA

RQIA's core function is to provide assurance to the Department of Health on the quality and availability of healthcare services, and secondly to support improvement in those services. Inspection reports are published on RQIA's website, and RQIA must inform the Department of Health about the availability and quality of services (S.42 Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003).

Under the 2003(Northern Ireland) Regulatory Quality and Improvement Order, RQIA can take enforcement action where a service presents concerns regarding safety, wellbeing and protection, or non-compliance with regulations or standards. Serious or repeated breaches prompt a formal notice, with compliance required in a specified time frame.

In addition to its formal regulatory powers, additional powers are provided within Mental Health (Northern Ireland) Order 1986, RQIA can intervene to remedy deficiency in the care of treatment of detained patients, and must bring to the attention of the Department, Secretary of State, a Board, or an HSC trust on cases where functions can be exercised to prevent ill-treatment, remedy deficiency in care, terminate improper detention in hospital or



reception into guardianship (S.86 Mental Health (Northern Ireland) Order 1986. RQIA can give notice in writing to provide RQIA with information on steps to be taken.

Reports on unannounced inspections include key concerns and recommendations, general recommendations, and the person responsible for implementation.

Scottish Human Rights Commission (SHRC)

The SHRC can conduct inquiries into Scottish public bodies and as part of those inquiries can enter and inspect detention facilities and interview detainees, with their consent. The SHRC must lay before Parliament a report of any inquiry. The SHRC also has powers to intervene in civil proceedings. The SHRC can also advocate, publish reports and participate in independent reviews, for example the Independent Review of the Response to Deaths in Prison Custody.