

## **POLICY NOTE**

### **THE PRISONS AND YOUNG OFFENDERS INSTITUTIONS (CORONAVIRUS) (SCOTLAND) AMENDMENT RULES 2020**

#### **SSI 2020/175**

1. The Prisons and Young Offenders Institutions (Scotland) (Coronavirus) Amendment Rules 2020 (“the Amendment Rules”) were made in the exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989. These Rules amend The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (“the Prison Rules”) and they are subject to negative procedure.

#### **Policy Objective**

2. The Prison Rules set out provisions relating to the regulation and management of Prisons and Young Offenders Institutions and various matters concerning those who are required to be detained in these institutions (such as their classification, treatment, discipline, employment and control).
3. The Amendment Rules are designed to support the Scottish Prison Service’ (SPS) continuing response to the exceptional pressures facing prisons during the current Coronavirus outbreak.
4. The Amendment Rules provide for the introduction of virtual visits, authorised personal communication devices and in-cell telephony and will enable those in our care to maintain contact with family and friends during times when actual physical visits to an establishment are not possible and, guided by public health advice, are likely to be more challenging to facilitate in future.
5. Families and social networks are a significant motivating and stabilising factor on those in our care. Providing them with the ability to maintain those relationships is seen as a key factor in enabling SPS to maintain operational stability during this challenging time, and helps us to maintain the safe and humane operation of prisons in Scotland. These changes are also designed to help SPS reduce the risks of the virus spreading within prisons and to protect the health of those living and working in our prisons.

6. Whilst the Amendment Rules have been designed to enable those in the care of SPS to maintain contact with family and friends, we have also included a number of safeguards in the Amendment Rules and their associated directions to protect victims and witnesses.
7. There are also some technical amendments being made to Rule 2 (Interpretation), Rule 7 (Availability of Rules, Directions etc.), Rule 46 (Prisoners Personal Property) and Rule 60 (Restriction on Communications) to take account of the introduction of virtual visits, authorised personal communication devices and in-cell telephony.

### **Impact Assessments**

8. No impact assessments have been completed because of the nature of the current emergency situation and the need to make and lay the instrument urgently. Scottish Ministers will however keep the changes made by the Amendment Rules under review.

### **Consultation**

9. There has been consultation with operational managers and policy colleagues within the Scottish Prison Service, Scottish Government, TUS colleagues and those in the care of SPS. SPS also advised HM Inspectorate of Prisons for Scotland and the Scottish Human Rights Commission of the intention to take forward these changes.

### **Financial Implications**

10. There are costs associated with the Amendment Rules, in regards to the purchase of equipment and services required to support prisoners access to virtual visits, prisoner mobile telephony and in-cell telephony.

**SCOTTISH PRISON SERVICE**

**JUNE 2020**