

Publication Scheme – Model Scheme for Independent Monitoring Boards

PART I:

Introduction

1. Section 19 (1) of the Freedom of Information Act 2000 places a duty on public authorities to adopt and maintain a publication scheme, to publish information in accordance with its publication scheme and, from time to time, to review its publication scheme.
2. Independent Monitoring Boards, legally known as Boards of Visitors and Visiting Committees, are deemed to be ‘public authorities’ for the purposes of this legislation. [‘Any Board of Visitors established under section 6(2) of the Prison Act 1952’ Schedule I, Part VI, Freedom of Information Act 2000]

Independent Monitoring Boards

3. The Prison Act 1952 (section 6(2)) provides that the Secretary of State appoints a Board of Visitors for every Prison Service establishment in England and Wales. This includes contracted out establishments. Under section 152 of the Immigration and Asylum Act 1999, the Secretary of State appoints a Visiting Committee for every immigration removal centre in England, Wales and Scotland.
4. Board members are unpaid volunteers who provide lay and independent oversight of the 139 prisons and 10 immigration removal centres in England and Wales. They ensure that prisoners and detainees are cared for decently and with humanity and, as such, perform a vital ‘watchdog’ role on behalf of Ministers and the general public.
5. This publication scheme has been designed to help you find out how Independent Monitoring Boards carry out their general duties under Prison Rules 1999, Young Offender Institution (Amendment) (No. 2) Rules 1999 and Detention Centre Rules 2001.
6. Independent Monitoring Boards in prisons, young offender institutions and immigration removal centres are under a duty to:
 - satisfy themselves as to the humane and just treatment of those held in custody within the establishment;
 - inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has; and

- report annually to the Secretary of State on how well the establishment has met the standards and requirements placed on it and what impact these have on those in custody or in detention.
7. In addition, Independent Monitoring Boards in prisons and young offender institutions are under a duty to satisfy themselves as to the range and adequacy of the programmes preparing those held in custody for release.

Purpose and Structure of the Publication Scheme

8. A publication scheme is a 'guide' to the information a public authority routinely publishes or intends to publish routinely. 'Publication' in this context means 'to make publicly available'.
Publication schemes must:
- a) specify the classes of information that the public authority publishes or intends to publish;
 - b) specify the manner in which information of each class is, or is intended to be, published; and
 - c) specify whether or not the material is, or is intended to be, available to the public free of charge or on payment.
9. In adopting or reviewing a publication scheme, a public authority shall have regard to the public interest in allowing public access to information held by the authority and in the publication of reasons for decisions made by the public authority.
10. The purpose of this publication scheme is to make information available before you need to ask for it. An electronic version of the scheme can be found on the Independent Monitoring Boards' website at www.homeoffice.gov.uk/justice/prisons/imb
11. Independent Monitoring Boards seek to be as open as possible and to comply with the Code of Practice on Access to Government Information. We shall continue to meet the requirements of the Code in our dealings with the public until the general right of access under section 1 of the Freedom of Information Act 2000 is introduced and the Act replaces the Code.
12. In some cases a class of information sets out a range of information that is excluded from publication. Where that is the case the reasons behind the decision to exclude are clearly stated. Excluded throughout this publication scheme is general correspondence sent or received by Independent Monitoring Boards and all information relating to private individuals by virtue of it being personal data under the Data Protection Act 1998.
13. In certain classes a limitation on the age of some documents has also been stipulated. This does not mean that information beyond that date cannot be obtained; it simply indicates that it is not available as a matter of course within the publication scheme.
14. Reasonable charges may be raised for the provision of copies of the documents or information listed in each of the classes.

Responsibility for the Independent Monitoring Boards' Publication Scheme

15. The Head of the IMB Secretariat, 2nd Floor, Ashley House, 2 Monck Street, London, SW1 2BQ has overall responsibility for the IMB Publication Scheme.
16. The person responsible for maintaining the publication scheme on a daily basis is Steve Kilbey, Deputy Head of the IMB Secretariat, 2nd Floor, Ashley House, 2 Monck Street, London, SW1 2BQ, email: imb@homeoffice.gsi.gov.uk

Freedom of Information Act 2000

17. The Freedom of Information Act 2000 received Royal Assent on 30th November 2000. It creates a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Its provisions bind Independent Monitoring Boards as public authorities.
18. The general right of access will come into being on 1st January 2005.
19. The Information Commissioner has a duty to promote best practise under the Freedom of Information Act 2000 and to ensure compliance. The Commissioner's address is:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
20. The Commissioner's website www.informationcommissioner.gov.uk carries useful guidance and reports, as well as information about the role of the Commissioner.
21. Subject to certain prescribed conditions and the exemptions set out in Sections 21 to 44 in Part II of the Freedom of Information Act 2000, the public have a statutory right:
 - to be told whether Independent Monitoring Boards hold information of the description specified in the request and, if so
 - to have that information communicated to them.
22. Independent Monitoring Boards are committed to the principles of openness embodied in the Act and will release information to the greatest extent possible, consistent with the public interest. IMBs will also comply with the Codes of Practice issued by the Department for Constitutional Affairs under Sections 45 and 46 of the Freedom of Information Act 2000.

Copyright

23. Material available through the publication scheme may be reproduced free of charge in any format or medium, providing it is reproduced accurately and not used in a misleading fashion. Where, exceptionally, information is included which is subject to copyright or there is a restriction on its use this will be indicated in the scheme and prior permission to reproduce the material concerned must be sought from the Head of the IMB Secretariat.

Obtaining documents and information under the Publication Scheme

24. Independent Monitoring Boards routinely place information on their website. It is all freely available for downloading if you have Internet access, otherwise, copies will be provided on request. Other information published in accordance with this Scheme but not available electronically, will also be sent on request.
25. You can request information by emailing the IMB Secretariat at imb@homeoffice.gsi.gov.uk or by telephoning the IMB Secretariat on 0870 267 8149 or by writing to The IMB Secretariat, 2nd Floor, Ashley House, 2 Monck Street, London, SW1P 2BQ.

Charging

26. Information will be provided free of charge, except where:
- there is a substantial administrative cost in providing it – where this is the case we will provide details
 - glossy or other bound paper copies, or in some cases a CD rom, video or other mediums, are provided.
27. No charge will be made for information carried on the web site. For those without Internet access, a single print-out as on the website will be available by post from the request contact point shown above. Reasonable charges may be raised for the provision of copies of the documents or information listed in each of the classes.

Complaints

28. If you have a complaint about the operation of this publication scheme or how Independent Monitoring Boards have dealt with a request for information, please write to: The Head of the IMB Secretariat, 2nd Floor, Ashley House, 2 Monck Street, London, SW1 2BQ.

Review of the Publication Scheme

29. We will review our publication scheme regularly and routinely monitor its operation. In the meantime if you have any comments or suggestions as to how we may improve the scheme please write to: The IMB Secretariat, 2nd Floor, Ashley House, 2 Monck Street, London, SW1 2BQ or e-mail: imb@homeoffice.gsi.gov.uk

PART II:

Information Classes

1. This publication scheme aims to make large amounts of information readily available to the public on a continuous basis. Independent Monitoring Boards are committed to releasing more material in the future.
2. It is not the intention to provide access to information relating to living individuals under this publication scheme except where such information can be disclosed without breaching the provision of the Data Protection Act 1998.
3. Independent Monitoring Boards will make available information within the information classes described below. The classes contain a brief description of the information available within that class, the main format in which the information will be made available, whether the class contains chargeable information (indicated by '£') and whether the information is available in Welsh.
4. The information classes have been grouped into ten broad categories.

Circulars for General Distribution

Class:	'Dear Chair' and 'Dear Board Member' letters
Description:	'DC' letters to IMB Chairs and 'DBM' letters to IMB members from 1 st January 2003.
Format:	hard copy or website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free
Notes:	Not all 'DCs' are available on-line

Handbook

Class:	'Independent Monitoring Boards for Prisons Handbook' & 'Independent Monitoring Boards for Immigration Removal Centres Handbook'
Description	The principal aim of these handbooks is to provide members of Independent Monitoring Boards with information and guidance which will assist them in carrying out their duties effectively and in developing a clear understanding of their role in relation to individual establishments, the Prison Service and the Immigration and Nationality Directorate
Format:	hard copy
Chargeable information:	£

Development and Implementation of National Council Policy

Class:	Policy documents
Description	Details of key IMB policies since 1 st December 2003
Format:	website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free

Information for prisoners, detainees and members of the public

Class:	'Review of the Board of Visitor'
Description	A report of the working group chaired by the Rt. Hon Sir Peter Lloyd MP - March 20
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	£
Note:	Subject to Crown Copyright
Class:	Application forms – IMB membership
Format:	hard copy
Chargeable information:	Free
Class:	Freedom of Information publication scheme
Format:	website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free
Class:	leaflets and posters
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free

Role, Function and Management of the IMB Secretariat and the National Council for Independent Monitoring Boards

Class:	Business plans, Organisational charts with contact details
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free

Minutes of Meetings and Associated Correspondence

Class:	Minutes of IMB Meetings
Description	Minutes and associated correspondence since 1 st January 2003 Excludes general correspondence sent to or received by Independent Monitoring Boards
Format:	hard copy
Chargeable information:	Free
Class:	Minutes of National Council Meetings
Description	Minutes and associated correspondence since 1 st December 2003 Excludes general correspondence sent to or received by National Council
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free
Class:	Minutes of Area Meetings
Description	Minutes and associated correspondence since 1 st December 2003
Format:	hard copy
Chargeable information:	Free

Keynote Speeches

Class:	Speeches and presentations by Prisons Minister and Members of National Council
Description	Keynote speeches since 1 st December 2003
Format:	hard copy
Chargeable information:	Free

Annual Reports

Class:	Annual Report and associated Press Release IMBs in England and Wales
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free
Notes:	A small number of Annual Reports are available in Welsh
Class:	Annual Reports – National Council for IMBs
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free

Complaints Procedure

Class:	'Procedures for dealing with allegations and / o complaints about conduct and poor performan
Format:	hard copy or via website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	£

Newsletters

Class:	'IMB News'
Description	Copies of 'IMB News' since 1 st July 2003
Format:	website at www.homeoffice.gov.uk/justice/prisons/imb
Chargeable information:	Free
Note:	Subject to Crown Copyright