

**Case:** 201105186, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** recreation  
**Outcome:** some upheld, action taken by body to remedy, no recommendations

### Summary

Mr C, who is a prisoner, complained that he was not allowed to attend recreation as a punishment (through the internal prison disciplinary procedure). He complained that a prison officer unreasonably failed to unlock his cell for the last 30 minutes of the recreation period. Mr C said that as a result of the officer's actions, he was not able to access a toilet, water or telephone.

In response to our enquiries, the prison explained that prisoners located in the segregation unit were unlocked from their cell for the last 30 minutes of the recreation period to access the telephone. The prison confirmed that when Mr C complained, this rule did not apply to prisoners, like him, who were located within residential halls, and denied recreation as punishment. Instead, they could use a call button to get access to the toilet and water, before being immediately returned to their cell.

On the issue of access to a telephone, the prison told us that prisoners had sufficient opportunity to access a telephone outwith the recreation period. However, the prison explained that the process in place within the segregation unit was best practice and, because of that, they had issued a staff notice confirming that any prisoner who was off recreation as a punishment should be allowed to access the telephone in the last 30 minutes of the recreation period. We noted this, and were satisfied that, at the time about which Mr C complained, the officer did not need to unlock Mr C from his cell. We did not uphold this complaint.

Mr C also complained that the prison failed to properly consider his complaint. He had raised two complaints about the same issue but found the prison's two responses to be contradictory. In one response, Mr C was told he would be unlocked for the last 30 minutes of recreation, another response was contradictory. When we asked the prison about this, they explained that Mr C

had submitted a number of complaints on this issue while in the segregation unit, as well as when he was in the residential hall. They thought that this might have caused confusion among staff responding to Mr C's complaints. However, we noted that at the time of raising this complaint Mr C was located in a residential hall and had not been in the segregation unit for some months. We agreed that the responses provided to Mr C were confusing and upheld his complaint. We did not make any recommendations, because the prison had already issued a notice to staff reminding them that complaints must be dealt with appropriately in line with their complaints guidance.