

SPSO decision report

Case: 201302619, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: exercise and time in the open air
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, complained that the Scottish Prison Service (SPS) failed to enable him to have outdoor exercise. Our investigation found, however, that the reason for this was that the outdoor exercise time for his residential area conflicted with another optional activity he took part in. We also found that the SPS had offered other arrangements for him since he made his complaint, so that he could do both. We did not uphold this complaint as we considered that the SPS had acted reasonably.

Mr C also complained about various aspects of the handling of his complaint. We upheld some of this, as we found that the SPS had not acted in accordance with prison rules. These say that, at the first stage of the complaint, a prisoner must be offered the chance to discuss it verbally, and that the final stage of the complaint should take no more than 20 days. Neither of these things happened. In terms of the opportunity for discussion, as the SPS have already introduced a revised form as a result of a previous complaint to us we did not need to make a recommendation.

Recommendations

We recommended that the SPS:

- apologise to Mr C for the two complaints handling issues identified; and
- remind staff of the requirement to meet the 20-day timescale of Prison Rule 123(9).