SPSO decision report

Case: **201201421, Scottish Prison Service**
Sector: scottish government and devolved administration
Subject: regime and operation of prison
Outcome: not upheld, no recommendations

Summary

A prison decided to restrict the exercise arrangements for protection prisoners (prisoners held separately from the main prison population for their own safety). The arrangements were that prisoners could only return to their residential area from the exercise area after thirty minutes or at the end of the exercise session (which lasts for one hour).

Mr C, who is a prisoner, complained about that decision. He said the decision was unfair because it restricted protection prisoners' access to facilities in the residential area throughout the exercise period. He said that this was discriminatory as the same restrictions did not apply to mainstream prisoners. In response to his complaint, the internal complaints committee (ICC) recommended that the prison allow protection prisoners to return to their residential area from the exercise area at twenty minute intervals. The prison governor endorsed the recommendation. However, the prison did not implement it and Mr C complained to us about this.

We explored with the prison why the ICC's recommendation was not implemented. We found that the prison considered two very important factors – the risk presented to the safety of prisoners and staff on the exercise route, and the risk presented to the good order of the prison. The prison also considered the physical location of the exercise yards for both protection and mainstream prisoners and took into account the impact that changing the current arrangements would have on available resources. The evidence available confirmed the prison appropriately explored whether the ICC's recommendation was possible but after careful consideration of relevant and important factors, decided not to implement it. In light of this information, we did not agree that the prison unreasonably failed to implement the recommendation and we did not uphold Mr C's complaint.