

## SPSO decision report

**Case:** 201300584, Scottish Prison Service  
**Sector:** scottish government and devolved administration  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

Mr C, who is a prisoner, declared to the prison that he was Jewish and asked to be provided with a kosher diet. The prison told Mr C that he would only be provided with this after he met with a rabbi. Mr C refused to do so and because of that, the prison did not agree to provide him with the kosher diet. In bringing his complaint to us, Mr C said the prison were not allowed to insist that he meet with a rabbi and their refusal was inappropriate.

The prison rules confirm that a prisoner must be treated as having a particular religion, belief or non-belief if they declare so at any time. In addition, the prison rules say that the prisoner is not obliged to give any information about having a particular religion, belief or non-belief. The prison rules also confirm the governor should, as far as practicable, provide a prisoner with food which takes into account their age, health and religious, cultural, dietary or other requirements. We asked the Scottish Prison Service (SPS) to confirm whether any rule or other policy existed that gave prison staff the authority or discretion to assess and test whether a prisoner had shown or was showing evidence of their declared religion. The SPS confirmed that no such rule or policy existed. In light of this information, we concluded that the prison had breached prison rules by insisting that Mr C had to meet with a rabbi before his dietary needs would be met. The prison were not entitled to do so and because of that, we upheld Mr C's complaint.

### Recommendations

We recommended that the SPS:

- issue guidance to all prison staff reminding them of the requirements of prison rule 13 and its practical implementation; and
- apologise to Mr C for the failings identified by his complaint.