

SPSO decision report

Case: 201300679, Scottish Prison Service
Sector: scottish government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that prison staff inappropriately provided medical assistance against his will after he had self-harmed. They had restrained him and applied a towel to his wound. He also complained that prison staff ignored instructions provided by a hospital doctor.

In responding to our investigation, the Scottish Prison Service (SPS) confirmed that whilst a prisoner was entitled to refuse medical treatment, they were not able to refuse emergency lifesaving interventions that prison staff might undertake in trying to prevent a prisoner from harming himself. The SPS confirmed that staff have a duty of care towards prisoners, including taking such steps to prevent harm, and that staff interventions in Mr C's case did not constitute medical assistance or treatment. In relation to Mr C's complaint that instructions from the hospital doctor were ignored, the SPS advised that Mr C discharged himself from hospital and because of that, no instructions were received.

Mr C had also complained that the prison failed to provide him with a copy of the SPS duty of care policy. The SPS confirmed that no such document existed and, therefore, it could not be provided.