

SPSO decision report

Case: 201304620, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: use of restraints
Outcome: upheld, action taken by body to remedy, recommendations

Summary

Mr C complained that he was handcuffed in his cell and told by a manager that the handcuffs would be removed when his self-harming urges went away. Mr C said that he had not shown signs of aggression or self-harm, and that the type of handcuffs used were normally for external escorts. Mr C was also unhappy about the length of time it took for the prison governor to respond to his complaint.

In responding to the complaint the prison said that the manager had authorised the use of handcuffs for a short time whilst officers searched Mr C because he had said he had an item in his possession that could cause him harm. He was handcuffed to avoid causing any further damage to existing self-inflicted wounds. However, the governor acknowledged that there were other options open to officers rather than using metal handcuffs, and said that they would notify staff of these.

We found that records made at the time indicated that Mr C was initially restrained by three officers and then handcuffed by a manager to enable them to search for the item without causing him harm. Nevertheless, the prison had accepted that the use of metal handcuffs was inappropriate and had apologised to Mr C. We were satisfied with the action taken by the prison prior to our involvement, specifically that they apologised directly to Mr C and had discussed with the manager the other options available should a similar incident arise. However, we were critical that the governor took three and a half weeks to respond to the complaint with no justifiable reason given for the delay. Whilst Mr C had received an apology, we made a further recommendation.

Recommendations

We recommended that the Scottish Prison Service:

- remind the governor to inform prisoners in a timely manner if a response to their complaint cannot be provided within seven days, along with the reason for this, and that they are given a timescale in which the decision will be provided.