

## SPSO decision report

**Case:** 201305414, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** exercise and time in the open air  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained to us that the Scottish Prison Service (SPS) had failed to provide prisoners with adequate access to weights and cardiovascular (CV) equipment and facilities. This related to the two fitness rooms within a residential hall, a weights room and CV room and the access to the main prison gym. Mr C was concerned about the removal of the weights room and the lack of maintenance of the CV room equipment. He also complained that the SPS failed to provide prisoners with adequate access to the prison's main gym.

We found that there was different access to the main gym, but that the prison has the authority to offer this, as the prison rules allow for different provisions to be in place for prisoners located in different parts of the prison. We did not find evidence that the SPS failed to provide prisoners with adequate access to weights and CV equipment and facilities and did not uphold this aspect of the complaint. However, although the SPS's decision to remove the weights room was discretionary, we were concerned that there was a lack of clarity around the future use of this room.

Mr C also complained about the SPS's handling of his complaint. We found that, in general, the SPS had adequately investigated and responded to the majority of issues Mr C had raised, but we also found that they had failed to adequately respond to his complaint about a member of staff. We were also concerned that some information had not been detailed on the complaint form. In view of these failings we upheld this aspect of his complaint.

### Recommendations

We recommended that SPS:

- apologise for the shortcomings that our investigation identified;
- remind staff that the reason for refusing a request for assistance should be recorded on the internal complaints committee response; and
- remind staff involved in handling this complaint that the issue complained about should be adequately investigated in line with prison rules and staff guidance on prisoner complaints and disciplinary appeals.