

## SPSO decision report

**Case:** 201502488, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** removal from association/segregation  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that his prison kept him locked in his cell for 23 hours each day for several weeks, without completing the relevant paperwork such as that relating to rule 95 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011. Rule 95 provides for the confinement and custody of prisoners, and allows prisoners to be removed from association with other prisoners. Mr C also complained about how the prison dealt with his complaints.

We found that rule 95 had been applied at the start of the period Mr C complained about, when he was in the prison's segregation unit. There is a difference of opinion about what happened after Mr C left segregation and returned to his cell. Mr C said he was kept in his cell, but the Scottish Prison Service (SPS) said Mr C chose to lock himself in his cell. When Mr C complained to the prison, it was clear that he did not want to remain locked in his cell each day. It appeared to us that prison staff were trying to act in Mr C's best interests. However, after Mr C complained, the prison should have applied rule 95 again, but they did not. The authority to keep Mr C in his cell in this way came from rule 95. Applying it would have meant that the prison had the authority either to move Mr C back to the segregation unit, or to keep him in his cell awaiting transfer to another prison.

The SPS acknowledged that responses to Mr C's complaints were not as good as they should have been, and that one response was late. We also found that the prison were using an old version of the complaints form. We upheld Mr C's complaints.

### Recommendations

We recommended that SPS:

- discuss this case with the prison's management, to learn from what happened and ensure that appropriate records are kept and that rule 95 is applied appropriately;
- reflect on the responses to Mr C's complaints, to ensure that relevant staff provide better responses in future; and
- ensure that the prison remove all old versions of complaint forms from use.