
DIRECTIONS

Scottish Prison Rules (Work Placements) Direction 2011

Made - - - -

21st November 2011

The Scottish Ministers make the following Direction in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(a) and rules 84 and 156 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011(b) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) This Direction may be cited as the Scottish Prison Rules (Work Placements) Direction 2011 and comes into force at 0805 hours on 21st November 2011.

(2) Any reference in this Direction to a rule is a reference to the rule in the Prison Rules bearing that number.

(3) References in this Direction to prisons and prisoners are to be construed as including young offenders institutions and young offenders respectively unless otherwise specified or the context otherwise requires.

Interpretation

2. In this Direction—

“Governor” means any officer;

“healthcare professional” has the same meaning as in rule 2(1);

“prisoner” is to be interpreted in accordance with rule 2(4);

“supervision level” has the same meaning as in rule 2(1);

“the Prison Rules” means the Prisons and Young Offenders Institutions (Scotland) Rules 2011;

“untried prisoner” has the same meaning as in rule 2(1);

“work placements” means work placements outside the prison provided under rule 84(2)(e).

(a) 1989 c.45; section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), section 24 and 25, Schedule 5, paragraph 6(6)(b) and Schedule 7, paragraph 1; by the Criminal Justice and Public Order Act 1994 (c.33), section 116(4); by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 75(4)(a); and by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 71 and Schedule 10, paragraph 1. Section 39 is to be read with the following sections of the 1989 Act: 19 (as amended by the 1993 Act, Schedule 5, paragraph 6(4)), 20A (which was added by the 1993 Act, section 23); 41(2B) (which was added by the 1994 Act section 153(3) and amended by the 2010 Act section 34(1)); 41B(1) (which was added by the 1994 Act, section 151(2) and amended by the 2005 Act, section 16); and 41C(1) (which was added by the Crime and Punishment (Scotland) Act 1997 (c.48), section 42). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2011/331

Categories of prisoners allowed to undertake work placements

3. Any prisoner, other than an untried prisoner, may be allowed to undertake work placements provided—

- (a) the prisoner is not assigned high or medium supervision level under Part 3 of the Prison Rules;
- (b) the Governor considers that the work is suitable for the prisoner; and
- (c) the prisoner has not been excused from working, or from doing the particular class of work to which the work placement relates, by the Governor acting on the advice of a healthcare professional.

Provision of work placements

4.—(1) Work placements may be provided to prisoners by Governors in the following circumstances and subject to the following conditions.

(2) Prior to making arrangements for the provision of a work placement, the Governor must—

- (a) where appropriate, arrange for the premises at which the work placement is to be provided to be inspected; and
- (b) where an inspection is carried out under sub-paragraph (2)(a), require a report to be prepared by the person carrying out the inspection specifying whether or not the premises comply with all relevant provisions of the Factories Act 1961, the Employers' Liability (Compulsory Insurance) Act 1969, the Health and Safety at Work Act 1974, the Fire (Scotland) Act 2005 and all subordinate legislation made under those Acts.

(3) In making arrangements with any person for work placements to be provided by that person or at premises owned or controlled by that person, the Governor must be satisfied that—

- (a) the nature and description of the work which is to be undertaken in the work placement is appropriate for the interests and needs of prisoners to obtain skills and experience which will be of use to them after their release;
- (b) where training is necessary, adequate training will be provided to prisoners at the commencement of the work placement;
- (c) where special or protective clothing is necessary, such clothing will be provided to prisoners throughout the work placement;
- (d) where appropriate, prisoners will be adequately supervised throughout the work placement;
- (e) prisoners will be provided with appropriate rest breaks during the work placement; and
- (f) adequate arrangements will be made to ensure the prisoner is provided with food and non-alcoholic refreshments during the work placement.

(4) Once a work placement is underway, the Governor may arrange for the premises at which the work placement is provided to be inspected as often as the Governor considers appropriate.

(5) The Governor must ensure that adequate arrangements are made to transport prisoners to and from the premises at which the work placement is provided.


Revocation of previous directions

5. All directions made under rule 84 of the Prisons and Young Offenders Institutions (Scotland) Rules 2006(a) and rule 70 of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(b) are revoked.

This direction consisting of this and the two preceding pages is subscribed as follows—

It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Edinburgh at 0800 hours on 21st November 2011 by Rona Sweeney before this witness, Ruth Sutherland, Calton House, Redheughs Rigg, Edinburgh.

For the Scottish Prison Service:



Witness:



(a) S.S.I. 2006/94
(b) S.I. 1994/1931

