

## Questions and Answers

### Consultation on the draft Prisons and Young Offenders Institutions (Scotland) Rules 2011 (the Rules)

#### **Q1. What are the Rules?**

**A.** The Rules are a piece of subordinate legislation that is subject to Parliamentary scrutiny and set out Rules for the management of prisons and young offender's institutions in Scotland.

#### **Q2 Why are the Rules written in legal language that can be difficult to understand?**

**A.** The Rules are subordinate legislation so they have to be written in legal language but we have tried to make them easier to read in structure and content. We have used plain English wherever we can.

#### **Q3. Why do the Rules need reviewed?**

**A.** The Rules needed to be reviewed:

- to ensure that they continue to comply with the law;
- reflect current SPS policy and practice; and
- are clearly written

#### **Q4. When were the Rules last reviewed?**

**A.** It has been over 16 years since the Rules were last comprehensively reviewed, although they were consolidated in 2006 to incorporate a number of amendments that had been made between 1994 and 2006.

#### **Q5. How were the Rules reviewed?**

**A.** The review involved consultation with operational staff and Governors, SPS stakeholders and prisoners.

#### **Q6. What are the main changes to the Rules?**

**A.** The main changes are outlined in the consultation document and in the separate information sheet that summarises the main changes.

#### **Q7. Why have there been changes to the healthcare Rules?**

**A.** Many of the provisions in the 2006 Rules relating to healthcare have been removed because responsibility for the healthcare of prisoners will pass to the NHS in October 2011. It will no longer be appropriate that healthcare provisions feature in the same level of detail in the Rules as responsibility and accountability will fall to local Health Boards.

**Q8. If healthcare arrangements are not in the Prison Rules where will information about prisoner healthcare be found?**

A. Separate arrangements are being made to set out the healthcare arrangements for prisoners in a memorandum of understanding between the Scottish Prison Service and NHS Scotland. Additionally consideration is being given to the provision of guidance and directions where appropriate under the relevant Health Service legislation.

**Q9. Why has the prisoner complaints process been changed?**

A. The Rules relating to prisoner complaints have been amended to bring them into line with the Scottish Public Services Ombudsman's best practice model.

**Q10. Where can I find the draft Rules and consultation document?**

A. For members of the public they can be found on the SPS internet [www.sps.gov.uk](http://www.sps.gov.uk), for SPS staff they can be found on the SPS intranet site and My SPS and for prisoners they are available in hard copy in the prison library and through prisoner's personal officers.

**Q11. How do I respond to the consultation?**

A. You need to complete the respondent information form at Annex B of the consultation document and e-mail it together with your response to the consultation questions to [PrisonRulesConsultation@sps.pnn.gov.uk](mailto:PrisonRulesConsultation@sps.pnn.gov.uk) or send it to Claire Forman, Legal Services Branch, Scottish Prison Service Headquarters, Calton House, 5 Redheughs Rigg Edinburgh EH12 9HW

**Q12. What do I do if I have problems accessing or understanding the draft Rules and consultation document?**

A. If you are a member of the public you should contact Claire Forman at [PrisonRulesConsultation@sps.pnn.gov.uk](mailto:PrisonRulesConsultation@sps.pnn.gov.uk) or telephone 0131-244-4353. If you are a prisoner you should speak to a member of staff who will help you.

**Q13. What happens to my response to the consultation?**

A. We will consider all of the responses received and decide whether any changes need to be made to the draft Rules. We will publish responses to the consultation on our website by July 2011.

**Q14. Will my response be made public?**

A. Yes if you have given us permission to do so when you complete the respondent information sheet at Annex B of the consultation document.

**Q14. When does the consultation close?**

A. The consultation closes on Friday 10 June 2011.

**Q15. What happens about the draft Rules after that?**

**A.** The Rules are a piece of subordinate legislation and they will be laid before the Scottish Parliament. They will be considered by the Subordinate Legislation Committee and the Justice Committee of the Scottish Parliament.

**Q16. When will the new Rules come into force?**

**A.** Subject to Parliamentary consideration we plan is to have the new Rules coming into force in October 2011.

If you have any other questions about the draft Rules or the consultation document you should contact Claire Forman at [PrisonRulesConsultation@sps.pnn.gov.uk](mailto:PrisonRulesConsultation@sps.pnn.gov.uk) or write to Claire Forman, Legal Services Branch, Scottish Prison Service Headquarters, Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW

**Scottish Prison Service**

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