

Your Rights Under the Scottish Prison Rules

July 2025



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Parkhead CAB delivers advice and information to Barlinnie prisoners and their families. Their 'Improving Lives' project also trains prisoners as peer mentors helping to disseminate information and advice to fellow prisoners through workshops and the prison radio system.

The Scottish Human Rights Commission is Scotland's National Human Rights Institution established by the Scottish Commission for Human Rights Act 2006.

The Information is presented pursuant to section 3(1) of the Scottish Commission for Human Rights Act 2006.

All reasonable precautions have been taken to verify the information. However, responsibility for the interpretation and use of the information lies solely with the reader.

About this Booklet

Going into prison can be scary, confusing and upsetting, especially if it is your first time.

This booklet will help you understand the law in Scotland relating to the management of prisons and young offenders institutions and the treatment, discipline and categorisation of those who are required to be detained there. This law is called the **Prisons and Young Offenders Institutions (Scotland) Rules 2011**, also known as the Prison Rules.

It does not cover all the Prison Rules in detail. At the start of this booklet is a list of key words that are often used in prison. If you need further information, you should find a full version of the Prison Rules in the prison library. The numbers of the sections in the original version are included so you can look them up if you need to.

There is a section in this booklet on how to make a complaint if anything you read in this booklet makes you think about making a complaint.

This booklet is a summary of the prison rules and does not replace legal advice for your own particular situation. Neither is it a full explanation of all of your human rights in prison.

The information in this booklet is up to date as of July 2025.



Key Words

Canteen is the prison 'shop' – a list which you fill in to buy items, such as vapes, toiletries and snacks.

Chaplaincy includes pastors, priests, imams and other religious leaders who you can consult.

Governor is responsible for the day-to-day running of the prison and can mean the governor in charge, the deputy or assistant governor, or a senior officer.

Internal Complaints Committee (ICC) is a committee who will hear the third stage of a complaint.

Healthcare professional means a doctor, nurse or member of the mental health team.

His Majesty's Inspectorate of Prisons for Scotland (HMIPS) inspects prisons and writes reports on the conditions and the treatment of prisoners.

Leave to remain is the permission granted to non-UK nationals to stay in the UK for a limited period of time.

Orderly Room is the name given to the proceedings during which a disciplinary hearing will be heard by the Governor or a senior prison officer.

Remand means you are in prison because you are waiting for a trial (untried) or for a court to sentence you.

Residential First Line Manager (RFLM) is also known as the hall manager.

Scottish Ministers are members of the Scottish Government who make directions and regulations in law.

Scottish Prison Service (SPS) is the government department responsible for managing prisons.

Segregation is when you are temporarily kept apart from other prisoners.

Separation and Reintegration Unit (SRU) is the part of the prison that houses prisoners held in segregation.

Special cells are used for the temporary accommodation of prisoners who are being violent.

Safer cells are adapted to improve personal safety and are located in an area where additional care and support can be provided for those identified as being at risk of harm to themselves.

Arriving in Prison: Reception



Part 2 of the Prison Rules

Searches

You will be searched at reception. The prison might use a scanning machine, or you can be searched by officers of the same gender as you.¹ You can be asked to take off your clothes. During a body search you can be asked to open your mouth. You cannot be forced to do so but you may be disciplined if you cannot give a good reason for refusing. Your mouth is the only body opening that can be searched.

Possessions and clothing

The prison will take your mobile phone, any medication you are carrying and other items you are not allowed in prison (for example alcohol, weapons, illegal drugs). All other items will be stored and given back to you when you are released from prison. You should be offered a shower, and, in some prisons, you will be issued with prison clothing.

Interview with a prison officer

A prison officer or SPS employee will interview you and record details about you: name, address, next of kin contacts. You can choose whether to declare your religion. You will be given a prison number. If you are a convicted prisoner, you will be told your expected date of release at reception or shortly after.

Within 3 days of your arrival, you will be given a 'supervision level': high, medium or low, depending on the seriousness of your crime. This determines how much supervision you will have in the prison. Your supervision level is reviewed after 6 and 12 months. If you are moved to a higher level, you have a right to written reasons for that decision. All untried prisoners will be assigned a 'high' supervision level while on remand.

¹ The Scottish Prison Service (SPS) has a transgender policy which you can ask to consult. In some circumstances the Governor may allow a search to be carried out by a person of a different gender to the prisoner.

Interview with a doctor or nurse

This interview must take place within 24 hours of your arrival in prison but will normally happen as soon as you arrive. The doctor or nurse will ask you questions about your health and medical history and any medicine that you are taking.

Contacting your family and lawyer

You have a right to contact two people and your lawyer to let them know you are in prison. The prison must give you the facilities to do this.

If you are not a British citizen, you have a right to contact your country's embassy or consulate. If you are an asylum seeker without 'leave to remain' you have a right to contact some organisations that you believe can assist you.

Induction

Prisons carry out induction sessions which will inform you about the daily routine or 'regime' of the prison and other matters.

Equality and diversity

All prisons are public bodies and under equality laws they have a duty to eliminate discrimination, advance equality and foster good relations between different groups of people. If you are harassed, bullied or victimised and believe you are being discriminated against, you can make a complaint directly to the Governor (see page 23).



Life in Prison



Parts 4, 5, 6 and 7 of the Prison Rules

Cell sharing, bedding and clothes

You can be told to share a cell unless a healthcare professional says you need to be in a single cell. This is called having a single cell marker. The prison has to consider whether your cell mate is suitable to share with you.

Your cell has to be large enough and have enough heat, lighting and bedding (supplied by the prison) for your health and safety. You are expected to keep your own cell clean.

Most convicted prisoners are not allowed to wear their own clothing unless they are given permission, for example, if they are going outside the prison.

The clothes you are given should be for you alone and have to be in good repair. The prison system has to ensure that you can have a change of socks and underwear every day. In your cell you can keep a reasonable amount of the following items, toiletries, vapes, reading material, pens, paper and photographs.

Showers

You have a right to a shower every other day and the prison has to provide you with towels and soap, but many prisoners buy toiletries from the canteen. A prison officer can order you to take a shower.

Food

You have a right to wholesome and nutritious food. The food provided should take into account your age and any special dietary needs, for example, because of a health condition or a religious rule. Your visitors cannot bring food into the prison for you, but you are allowed to buy snacks from the 'canteen'.

There are special rules for prisons where the prisoners prepare their own food.

Belongings and Money

Any personal items that you had with you when you came into prison will be kept in store until you are released. Every prisoner has a 'prison account', known as Prisoner's Personal Cash or PPC. Your prison wages and any money sent in by family or friends are kept in this account. The Governor decides how much money you are allowed to keep in that account and how much you are allowed to withdraw to pay for 'canteen' or items purchased outside of the prison.

Health services

The health services in prison are run by the NHS but the prison has to inform medical professionals if any prisoner needs physical or mental health assistance. The prison also has to carry out the instructions of healthcare professionals, for example, if the doctor says you should not take part in specific activities.

If you require treatment outwith the prison, for example in hospital, the prison may arrange for your transport and an escort, or you may have to go in an NHS ambulance.

If you are seriously ill or, for example, involved in an accident where you sustain serious injury or are admitted to hospital, the prison, where possible, must ask you whether you wish any relative or friend to be contacted.

If you want to complain about health services, you must follow the NHS complaints system.



Religion

You have a right to practice your religion in prison and to have the books or items associated with your religion, for example, the Bible, Qur'an, or rosary beads.

You have a right to attend religious services that are organised by the prison chaplaincy and to celebrate specific days or customs associated with your religion, for example, Christmas, Eid, Passover.

Smoking and vapes

Smoking is forbidden in all prisons. You are allowed to use vapes in your own cell, unless the Governor instructs otherwise, and in open air places which the prison specifies.

Drugs, alcohol and testing

You can be ordered to take a test for drugs or alcohol by giving a sample of urine, saliva or breath. Refusing to give a sample is a disciplinary offence. Your sample has to be fresh and uncontaminated and a prison officer of the same sex as you (in most circumstances) can be told to supervise you providing the sample. You may also be put in a cell on your own for up to 5 hours to ensure that the sample is uncontaminated.

You have a right to:

- A cell that has enough heat and light, bedding, clothes and a daily change of socks and underwear
- A shower at least every other day
- Food that takes into account, where possible, special dietary needs because of your age, health or religion
- Medical care provided by the NHS
- Use vapes in specified places

You are not allowed to:

- Smoke tobacco
- Take drugs (except those prescribed by the NHS)
- Consume alcohol

You can be ordered to take a drugs or alcohol test by giving a sample.

Staying in Contact with the Outside World



Part 8 of the Prison Rules

How can you stay up-to-date with the outside world?

Books, Newspapers, Radio and TV

You have a right to access newspapers, books and radio to keep up-to-date with current affairs. Your prison should have a library and newspapers which you should be able to access. The Governor can stop or limit your access to TV as a form of punishment.

Internet and Email

You do not have a right to internet access. Although not in the prison rules, there is an 'email a prisoner' programme called 'eMates'. This is a way that people can email a message for you and the message will be printed off and given to you or displayed on the cell kiosk. In some prisons you may be able to receive photo attachments. If your sender has paid for a response, you can reply. It is important to note that the eMates programme does not give you direct access to computers and the internet. What you send and receive will be paper-based. If you wish to reply, you will be given a blank sheet to write on and will give that back to prison staff for them to send.

Phone calls

When you come into prison you can list the numbers of 20 persons or organisations you wish to contact – you should include your lawyer. The number of the Scottish Public Services Ombudsman, the Samaritans and, in some prisons, the Independent Prison Monitors are included in addition to your 20 numbers.

Calls to your friends and family are not confidential; they will be recorded and may be monitored. Calls to your lawyer and other privileged personnel are confidential and will not be monitored.

The Governor can restrict your use of the phone if you damage it or make calls which threaten the security of the prison or the health or safety of other prisoners or any person.

This restriction can last for a month after which the Governor has to review it. You cannot receive incoming calls, and you can only call those telephone numbers on your list that the prison has allowed. If someone outside the prison does not wish to correspond with you, they can ask the prison to stop you communicating with them.

Letters and packages

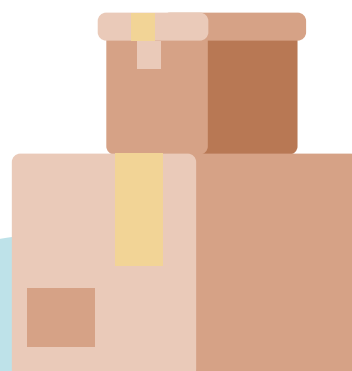
You have a right to receive and send letters and packages. You can send one letter per week which is paid for by the prison. The prison must provide you with a ballpoint pen, writing paper and envelope.

Prison officers may open and read correspondence if they believe that the letter involves criminal activity or is a threat to prison security. They should tell you why they are opening your letter, but they do not have to ask you to be present when this is done, although it is good practice to do so. The prison may copy the contents of a letter or package to check or test for forbidden items. If your letter is copied, the prison must keep the original and give it back to you when you are released. You will be issued with the copy.

Confidential telephone calls and letters

This means phone calls or letters to your lawyer and other institutions for example, the courts, tribunals, the Scottish Legal Aid Board or medical authorities. This is called 'privileged correspondence'. The Prison Rules list the people/organisations considered 'privileged'. For example, if you want to send a letter to your lawyer you should write 'Legal correspondence' and your name on the envelope.

A prison officer can only read confidential correspondence if the Governor says so because they believe there is a danger to the security of the prison or safety of other prisoners. You have to be present when the letter is opened and read, unless you do not want to be.



Your rights to visits

Rights to visits for convicted prisoners

Number of visits allowed	Length of visit	Accumulating visiting time
You can choose: one 30 min weekly visit in any period of 7 consecutive days or one 2 hours monthly visit in any period of 28 days.	Weekly: minimum 30 minutes Monthly: minimum 2 hours	Unless the Governor says so, you are not allowed to save up unused visiting times. You must use up your visiting times within a 28 day period.

Rights to visits for remand and civil prisoners

Number of visits allowed	Length of visit	Accumulating visiting time
1 visit every day – Monday-Friday. No visits on Saturdays or Sundays 25 Dec or 1 Jan.	Minimum 30 minutes	If the Governor gives you permission and you have not used every day of your Monday – Friday allocation, you will be allowed a visit of at least 30 minutes on a Saturday or a Sunday, 25 Dec or 1 Jan. You are not allowed to save up unused visiting times.



Who supervises your visits?

Your visits will take place within the sight and hearing of a prison officer, unless the Governor has given special permission. The Governor decides how many visitors a prisoner can have at any visit.

Visits from your lawyer

You can have a visit from your lawyer at any reasonable time. A prison officer will supervise the visit but will not be able to hear what you or your lawyer says.

Virtual visits

You can ask for a video visit which is in addition to your face to face visits. Someone over the age of 16 on your list of visitors has to ask for the video visit. Only 3 people at a time are allowed on the virtual visit. Virtual visits must also take place within the sight and hearing of a prison officer. There is a list of things which you cannot talk about during the visit.



Time Out of Cell



Part 9 of the Prison Rules

Work or other activities

You are expected to work unless you are a remand or a civil prisoner or you are excused from working because of health reasons. Remand or civil prisoners can ask to work, and the Governor decides whether this is allowed.

You can be excused from work because you are taking an educational class, counselling, a rehabilitative programme or vocational training.

You will receive a wage for your work, or the activities listed above, if they have been arranged instead of work. You cannot be asked to work or take other activities for more than 40 hours per week (excluding meal breaks) and you are entitled to one day off a week. If you are religious, your day off should be according to your religion.

Exercise and time outside

You have a right to spend at least one hour in the open air every day (called exercise). You should also have the opportunity to take part in physical recreation, for example, go to the gym or play football. Unless you have been confined to your cell as a punishment or have been removed from association, these activities should be in the company of other prisoners. The prison has to provide other recreational facilities including a library.

Time out of your cell: work and recreation

- You have to work unless you are a remand or civil prisoner
- If the prison agrees, you can take part in other activities instead of work e.g. education, counselling, vocational training or rehabilitative courses
- You will be paid a prison wage for work or other activities
- You cannot be asked to work for more than 40 hours, and you have a right to a day off every week.

You have a right to:

- One hour a day in the open air
- The opportunity to do other physical activities e.g. go to the gym
- The prison has to provide other recreation, including a library



Searches, Restraint and Segregation



Part 10 of the Prison Rules

When are prison officers allowed to use force?

Prison officers may only use force when it is necessary to do so, and the level of force used must be proportionate. This means enough force and no more than is needed to control the situation and the risk posed by the prisoner.

When officers use force, they must make a written record of the incident. They are not allowed to provoke prisoners. They are allowed to use body belts and back boards to control a prisoner if the prisoner is causing a disturbance, damaging property or threatening to injure themselves or others.

Restraints can only be used for 12 hours, and the prisoner has to be monitored, and the restraints removed to allow the prisoner to eat and use the toilet. The Governor must make a written record of the reasons for the use of restraints and has to take into account the views of health professionals.

When and how can you be searched?

Your clothes, property and your cell can be searched at any time by prison officers who will sometimes use sniffer dogs or special equipment to find drugs or metal items. The rules about body searches are the same as when you enter prison (see page 7).

When can you be segregated from other prisoners?

Temporary segregation

Prison Officers can confine you to your cell for a period of up to an hour if they think you are behaving in a disorderly way, or it is in your or other prisoners' best interests. The prison officer has to inform the supervising officer in writing. After one hour, the prison officer can put you 'on report', if they believe you are still behaving in a disorderly way. See discipline and punishment (page 19). You can be confined to your cell for up to 3 days as punishment as a result of an orderly room hearing (see page 20).

Removal from Association or Rule 95

The Governor can order you to be segregated from other prisoners, generally or for specific activities (e.g. exercise, work, recreation) for up to 72 hours if they believe it is in the interests of good order in the prison or your or others' safety. If the order is for 'general segregation' rather than specific activities the Governor has to apply to the Scottish Ministers before the 72 hour deadline for an extension of one month. After one month the Governor has to apply for further extensions.

If you are removed from general association, you may be put in the Separation and Reintegration Unit (SRU). The Governor must give you a written copy of the reasons for your segregation. The expectation is that you return to the mainstream prison population.

When can you be confined in a special cell?

The Governor may make a written order for you to be kept in a special cell if you are behaving in a threatening, abusive or violent manner. You can only be held in a special cell for a period of up to 24 hours. The written order has to record the reasons why you are being kept in a special cell, the date and time of the order and any visits you receive while in the cell.

If you are in a special cell, the following should happen:

- A healthcare professional should examine you and their advice must be taken into account.
- A prison officer should check on you every 15 minutes.
- Your bed and any bedding can be removed from the cell between 07:00 and 17:00.

Discipline and Punishment



Part 11 of the Prison Rules

What is a disciplinary offence?

Examples of disciplinary offences include fighting, disobeying lawful/reasonable orders, refusing to work, having or using forbidden items such as drugs or mobile phones, attempting to escape and using threatening, racist or obscene language.

What happens if you commit a disciplinary offence?

If you are charged with an offence, you will be put on report. This means that within 48 hours a prison officer must give you a written report of the charge against you and they must also inform the Governor.

Your case will be heard by the Governor (or a senior prison officer) in a disciplinary hearing called the Orderly Room. The Orderly Room is not a specific place but anywhere the hearing takes place. You have the right to attend the hearing. You must receive the written report at least 2 hours before you have to go to the Orderly Room. The hearing should take place the day after any incident except on Sundays and public holidays or where the Governor considers a hearing at a later date is necessary.

What happens in the Orderly Room?

The SPS has a **Disciplinary Hearings Guide 2012** which you can ask to consult for detailed guidance on what happens in the Orderly Room.

The Governor will ask whether you plead guilty or not guilty and ask whether you have had time to prepare your case.

You can ask to have legal representation at the hearing, but the Governor has to agree to this. You can nominate an adviser or friend as a “prisoner’s friend” even if legal representation is refused. The Governor has to agree to this separately.

The criteria that the Governor has to consider when deciding whether to allow legal representation or a “prisoner’s friend” are:

- the seriousness of the charge,
- any points of law that may arise,
- the capacity of a particular prisoner to present their own case,
- procedural difficulties, and
- the need for reasonable speed and the need for fairness.

If you are allowed legal representation, the Scottish Prison Service is automatically also allowed legal representation.

In the hearing, the Governor can take into account the following types of evidence:

- Oral (spoken) evidence from any person.
- Written evidence from any person.
- Documents and records.
- Films and photographs.
- Sound recordings.
- Results of drug tests.

You have to agree to non-spoken (paper-based) evidence being used alone (without spoken evidence), and you must be given an opportunity to look at the evidence before presenting your case. You have a right to ask for witnesses to be called. If the Governor agrees that evidence from a witness will be relevant, you have a right to meet with that witness. Any meeting between you and a witness will be supervised by a prison officer but they are not allowed to hear your conversation.

The Governor must be convinced 'beyond reasonable doubt' that you are guilty. Before deciding on a punishment, the Governor must also consider whether discrimination was involved. For example, whether you engaged in racist behaviour or whether what you did was as a result of someone being racist.

Punishments

If found guilty, you may:

- Receive a caution (a warning).
- Lose certain privileges for up to 14 days, for example, no TV, no gym, no association.
- Receive a reduction in wages for a period up to 56 days.
- Be confined to your cell for up to 3 days (the Governor must inform a health care professional. See page 17 on segregation)
- Lose your entitlement to withdraw money from your PPC for up to 14 days if you are a remand prisoner.

On report and in the Orderly Room

- You must receive a written copy of the charge
- The hearing in the Orderly Room should be within 48 hours of the charge
- You have a right to prepare your case: to ask for witnesses and meet with them, and to read documents that are used in evidence
- You can ask for legal representation – the Governor will decide if this is allowed
- The Governor must consider whether discrimination played a part in the offence
- You have a right to appeal against a guilty verdict and the punishment ordered

Appeals

If you are found guilty of a disciplinary offence you can appeal against the finding, the punishment or both.

You must put your appeal in writing within 14 days of the Orderly Room hearing, using a form called a PAF1. The Governor or a senior prison officer must give you the form and assist you with completing it.

Who do you appeal to?

If the person who chaired your case in the Orderly Room was the Governor in charge of the prison or if you are in a privately run prison you must appeal to the Scottish Ministers. If it was not the Governor but a senior prison officer, you should appeal to the Internal Complaints Committee (ICC).

Internal Complaints Committee

On the PAF1 form you should say:

- Why you are appealing
- Name any witnesses you want to call
- If you will attend the ICC hearing and if you need help to do so, who you want to assist you.

The ICC will decide before the hearing whether it will allow your requests and let you know. At the hearing the ICC can: cancel the decision of the Orderly Room hearing or cancel or reduce any punishment.

Appeals to the Scottish Ministers

You should complete a PAF2 form saying why you are appealing. The Scottish Ministers have 20 days to respond and can cancel the decision of the Orderly Room, cancel or reduce any punishment or dismiss the case. The decisions of the Scottish Ministers or the ICC are final.



Appealing the result of a disciplinary hearing

You have 14 days to appeal a guilty decision or the punishment ordered. The Governor should give you the correct form and assist you to complete it.

If the Governor of the prison chaired your hearing or you are in Addiewell Prison – you must appeal to the Scottish Ministers. Fill in form PAF2.

If the Orderly Room hearing was chaired by a senior prison officer, your appeal should go to the Internal Complaints Committee (ICC). Fill in form PAF1. Include information about any witnesses.

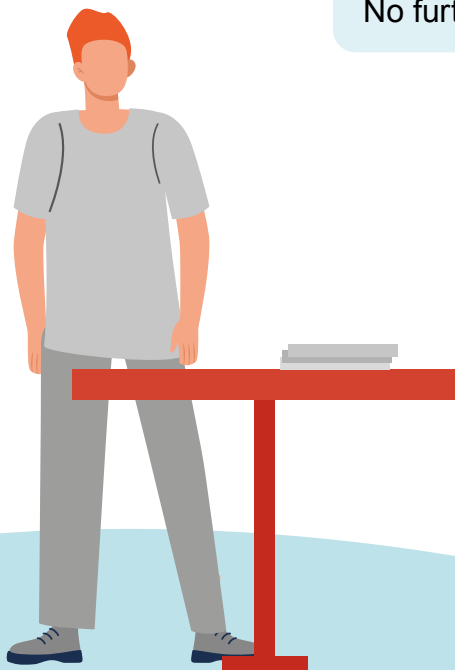
You should get a written report back within 20 days. Scottish Ministers can:

- Cancel the guilty finding
- Cancel or lessen the punishment
- Dismiss the appeal

The ICC can:

- Cancel the guilty finding
- Cancel or lessen the punishment

No further appeal is allowed



Making a Complaint



Part 12 of the Prison Rules

Who to complain to?

You have a right to make a complaint but who you complain to depends on what the complaint is about.

You have 5 options to choose from:

- **General complaints**
You can speak to the Hall Manager (RFLM) or use a Prisoner Complaint Form PCF1.
- **Sensitive or confidential matters**
For example, bullying, discrimination, assault, use of force. Use form PCF2. Your complaint will go straight to the Governor.
- **Special matters**
For example, you wish to be repatriated to your own country, moved to a prison in a different part of the UK, or you are complaining about the Governor in your prison. You must write directly to the Scottish Ministers.
- **Health matters**
You must use an NHS complaint form.
- **Equality & Diversity**
Where a complaint relates to an “equality and diversity” issue you should complete an Equality and Diversity Form in addition to a PCF1 or PCF2.

If you need help completing the forms or writing a complaint you can ask for assistance from: an Independent Prison Monitor (IPM), an officer, or another prisoner.

Option 1: General complaints

You can make a complaint by speaking to the residential first line manager (RFLM) or by completing a PCF1. If you are complaining about an officer or employee, you should put your complaint on a PCF2.

If you speak to the RFLM, tell them about your issue. They will then complete parts 1, 2 and 3 of the form putting in your personal details, what the complaint is about and the result of any investigation if the complaint cannot be resolved by discussion between you. The RFLM must give you a copy of the form.

PCF1 forms should be available in your wing or hall. If you choose to complete the PCF1 yourself, fill in part 1 (personal details and what you want to happen as a result of your complaint). Give the form to the RFLM who should discuss your complaint with you within 48 hours. If the complaint is resolved after discussion, the RFLM should complete parts 2 and 3 of the form (summary of discussion and how complaint was resolved) and give you a copy.

If the complaint is unresolved, the RFLM should instruct an officer to investigate. Within five days of receiving your original complaint the RFLM should complete parts 2 and 3 of PCF1 (a summary of the investigation / copy of the investigation report and the reasons for their decision) and give you a copy.

If you are not satisfied with the outcome the RFLM should tell you that you have a right to refer your complaint to an Internal Complaints Committee (ICC).

The Internal Complaints Committee (ICC)

You have to write to the ICC within two weeks of the RFLM's decision by completing part 4 of the PCF1 saying:

- Why you are not satisfied with the response of the RFLM and your desired outcome.
- If you wish to attend the ICC.
- If you wish someone to assist you at the ICC and what assistance they will provide.
- If you wish to call witnesses and how the witnesses will support your complaint.

Give your form to an officer who must take the form to the ICC.

The Governor appoints the ICC. There should be 3 members. You have a right to attend the hearing of the ICC, and you can be assisted by another person, for example, a prison officer or IPM or, in special circumstances, another prisoner if the ICC agrees. You have a right to question anyone giving evidence to the hearing. You can call witnesses to give evidence, if the ICC agrees.

Following the hearing, the ICC will make its recommendations to the Governor. The Governor will consider what the ICC has to say and will write to you with a final decision. If you are still dissatisfied, you have a right to complain to the Scottish Public Services Ombudsman (SPSO).

Option 2: Sensitive, serious or confidential matters

Complete part 1 of Prisoner Complaint Form 2 (PCF2) giving:

- Your personal details.
- What you want to happen as a result of your complaint.
- Why you think the complaint is confidential.

Put the form in an envelope, seal it and give it to the RFLM who must pass it directly to the Governor. You can ask the prison officers for the form and an envelope.

If the Governor does not agree that the matter is sufficiently serious or confidential, they will give you a copy of PCF 2 with part 2 completed giving the reasons for their decision.

If the Governor agrees that it is a confidential matter, they should complete part 2 of the form and give you a copy detailing:

- A summary of any investigation carried out.
- Their decision and their reasons for the decision.

The Governor must respond to you within 7 days of receiving your complaint and return the completed PCF2 in a sealed envelope.

If you are not happy with the outcome of the complaints process

You can contact Scottish Public Services Ombudsman (SPSO). The Governor should give you information about how to complain to the SPSO.

You can write to the SPSO or telephone to ask for a copy of their complaints form. The freephone number is: 0800 377 7330. If you telephone, the conversation is privileged – that means it is not listened to by officers in the prison. You can also write direct to SPSO, Freepost. Write privileged correspondence on the envelope. You do not need a stamp to write to the SPSO.

The SPSO is the final stage of complaints handling about public bodies in Scotland.

You can also consider whether you would like to get legal advice about the issue you are experiencing.



Different types of prisoners

Remand / untried Prisoners



Parts 4, 8, 9 of the Prison Rules

As far as is possible you should be housed in different areas of the prison separately from convicted prisoners.

Remand / Untried or civil prisoners are not required to work but you can ask to work, and the Governor decides whether this is allowed. You can also ask to attend education or other activities, but you have no right to attend.

You may be allowed to wear your own clothes.

Rights to visits

- You are allowed a visit every weekday (see page 14).
- You have the same rights as convicted prisoners to speak to your lawyer at any reasonable time.
- You can consult someone about remand proceedings or the terms of bail payments, a medical practitioner or any other person, if the Governor considers it is in the interests of justice.



Female prisoners



Part 13 of the Prison Rules

You must not share accommodation with male prisoners. As far as possible, you should be housed in different parts of the prison.

The prison must provide sanitary products for you.

Your rights during pregnancy and child birth

If you are pregnant and likely to give birth while in prison and a healthcare professional advises it, the Governor must arrange for you to give birth in a hospital outside the prison.

If a healthcare professional advises that you need special accommodation for health reasons during your pregnancy, the Governor must, as far as is possible, ensure that this is provided. You may be asked to share a cell with a suitable person to enable this.

Can you keep your baby with you in prison?

The Governor can allow you to keep your baby with you in prison, taking into account the best interests of the baby and your ability to look after your baby. The best interests of your child should always be the main concern.

If the Governor allows you to keep your baby in prison, you are responsible for the care of your baby. The prison must make sure you have the items and food that your baby needs. You or your family/friends are allowed to provide additional articles or food for the baby.

Foreign Nationals



Parts 2 and 8 of the Prison Rules

If you are not a British citizen, you have a right to contact your country's embassy or consulate on reception to prison. If you are a refugee or asylum seeker without leave to remain you also have a right to contact some organisations that you believe can assist you.

If you are a refugee or a stateless person you have a right to receive visits from a diplomatic representative of any country that can best represent your interests.

You may also communicate with and receive visits from national or international organisations who work for or protect the rights of refugees and stateless persons.

