
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

**The Prisons and Young Offenders
Institutions (Scotland) Rules 2006**

PART 9

WORK, EDUCATION, EARNINGS AND RECREATION

Application of Part 9

- 80.**—(1) Rules 81 to 84, 86(3) and 87(2) shall not apply to untried and civil prisoners.
(2) Rules 81 to 84, 86(3), 87(2) and 88 shall not apply to young prisoners.

Arrangements for work, education and counselling

- 81.**—(1) As soon as practicable after the reception into prison of a prisoner, the Governor shall obtain reports about that prisoner's particular needs and wishes concerning work and education.
(2) Following receipt of such reports, the Governor shall in consultation with the prisoner determine a programme of work, educational activities and counselling for the prisoner with the objective of improving the prospects for the prisoner's successful resettlement in the community, and the prisoner's morale, attitude and self respect.

Prisoners' work

- 82.**—(1) Subject to the following provisions of this Part, every prisoner shall be required to work in prison.
(2) No prisoner shall be required to work, or to do work which is of a particular class, at any time when excused from working, or from doing any particular class of work—
(a) by a medical officer on medical grounds; or
(b) by the Governor on any other ground.
(3) A prisoner shall be excused from the requirement to work at a time when undertaking an educational class arranged in terms of rule 86 or undertaking counselling provided in terms of rule 87.
(4) Except with the authority of the Governor, no prisoner shall work in the service of another prisoner or of an officer.

Conditions of work or activities in lieu of work

- 83.**—(1) No prisoner shall be required to work, or take part in an educational class arranged in terms of rule 86 in lieu of work, for more than 40 hours a week (excluding meal breaks).
(2) Every prisoner shall be entitled to a minimum of one day each week as a rest day on which he or she shall not be required to work or take part in an educational class in lieu of work.

- (3) Insofar as it may be reasonably practicable, having regard to the requirements of the prison regime, a prisoner who has declared him or herself to belong to a religious denomination shall—
- (a) be entitled to take the rest day on the recognised day of religious observance; and
 - (b) not be required to work or take part in an educational class arranged in terms of rule 86 in lieu of work on such other days in a year as are recognised days of religious observance for the religious denomination and are specified in a direction made by the Scottish Ministers.
- (4) A prisoner shall be entitled to work in association with other prisoners except where—
- (a) an order has been made under rule 94 removing him or her from association with other prisoners either generally or during any period the prisoner is undertaking work;
 - (b) the prisoner has been removed from association in terms of rule 114(2); or
 - (c) the prisoner is subject to cellular confinement imposed under rule 119(1)(d).

Work opportunities

- 84.**—(1) The Governor shall provide a range of work which, so far as reasonably practicable, takes into account—
- (a) the interests and need of prisoners to obtain skills and experience which will be of use to them after their release; and
 - (b) the requirements of the operation and maintenance of the prison.
- (2) The range of work which the Governor may provide may include—
- (a) vocational training;
 - (b) work placements outside the prison; and
 - (c) voluntary work outside the prison.
- (3) The Scottish Ministers may, in relation to such work placements outside the prison, specify in a direction—
- (a) the groups or categories of prisoners who may be allowed to undertake such work;
 - (b) the circumstances in which, and the conditions subject to which, such work may be provided to any eligible group or category of prisoners; and
 - (c) the conditions which shall apply to any prisoner or group or category of prisoners undertaking such work.

Work undertaken by untried and civil prisoners

- 85.**—(1) An untried prisoner or a civil prisoner shall not be required to work in prison but may undertake, if the prisoner so chooses and with the agreement of the Governor, such work or an educational class arranged in terms of rule 86.
- (2) Where an untried prisoner or a civil prisoner undertakes work, they shall be entitled to be paid earnings in accordance with rule 88.
- (3) Except with the authority of the Governor and with the consent of the prisoner, no untried prisoner or civil prisoner shall work in the service of another prisoner or of an officer.

Education

- 86.**—(1) The Governor shall arrange a programme of educational classes to provide prisoners, so far as reasonably practicable, with an opportunity to pursue their interests and needs.
- (2) In relation to young prisoners, the Governor shall arrange a programme of educational classes which meet their needs and can assist them to develop their potential.

(3) Where an educational class is undertaken by a prisoner in terms of this rule and for that purpose the prisoner is excused from the requirement to work in terms of rule 82, the educational class shall be treated as an activity which may be undertaken in lieu of work.

Counselling

87.—(1) The Governor may arrange provision of counselling (including group work activity) appropriate to the needs of prisoners.

(2) Where counselling is provided to a prisoner in terms of this rule and for that purpose the prisoner is excused from the requirement to work in terms of rule 82, the counselling shall be treated as an activity in lieu of work.

Earnings

88. Where—

- (a) a prisoner undertakes work in terms of rule 82 or 85; or
- (b) a prisoner (other than an untried or civil prisoner) takes part in an educational class arranged in terms of rule 86 or any counselling provided in terms of rule 87,

the prisoner shall be entitled to be paid earnings at such rates and in accordance with such conditions as may be specified in a direction by the Scottish Ministers.

Exercise and time in the open air

89.—(1) Subject to paragraphs (2) to (6)—

- (a) every prisoner shall be given the opportunity—
 - (i) to take exercise for not less than one hour every day except where a medical officer has not passed the prisoner as fit on admission; and
 - (ii) to spend time in the open air at least once every day; and
- (b) every young offender shall be given the opportunity—
 - (i) on a regular basis to participate in physical recreation, activities and pursuits which are consistent with maintaining good health and physical wellbeing; and
 - (ii) to spend time in the open air at least once every day.

(2) A prisoner or young offender shall be allowed to participate in any activity mentioned in paragraph (1)(a)(i) and (b)(i) and spend time in the open air in association with other prisoners or, as the case may be, young offenders except where—

- (a) an order has been made under rule 94 removing him or her from association with other prisoners or, as the case may be, young offenders either generally or during any period he or she is participating in any activity mentioned in paragraph (1)(a)(i) or (b)(i) or spending time in the open air;
- (b) he or she has been removed from association in terms of rule 114(2); or
- (c) he or she is subject to cellular confinement imposed under rule 119(1)(d).

(3) Where at any time it appears to the Governor that it is not practicable to give prisoners or young offenders, or any particular group or category of prisoners or young offenders, the opportunity to participate in any activity mentioned in paragraph (1)(a)(i) or (b)(i) or spend time in the open air due to exceptional circumstances pertaining in that prison or young offenders institution, or in any other prison or young offenders institution, the Governor may order in writing that such prisoners or young offenders or group or category of prisoners or young offenders shall not be given either or

both of the opportunities mentioned in sub paragraph (a) or, as the case may be, sub paragraph (b) of paragraph (1) until such time as the Governor considers that it is so practicable.

- (4) An order made under paragraph (3) shall—
 - (a) specify the reasons why the Governor is making it; and
 - (b) record the date and time it is made.
- (5) After making an order under paragraph (3) the Governor shall—
 - (a) take such steps as are practicable to notify prisoners or, as the case may be, young offenders who are subject to the order of the effect of the order; and
 - (b) provide a copy of the order to the Scottish Ministers.
- (6) An order made under paragraph (3) shall cease to have effect 48 hours after the time at which it was made unless the Scottish Ministers specify in a direction made before the expiry of that period that the order shall continue to have effect until revoked by a further order made by the Governor or by a further direction made for that purpose by the Scottish Ministers.

Recreation

90.—(1) The Governor shall provide reasonable facilities and opportunities to enable prisoners to participate in recreational activities outwith normal working hours.

(2) The Governor shall make arrangements for lending library services for the use of prisoners which take into account so far as reasonably practicable their educational, informational and recreational interests.

(3) The extent to which any prisoner or group or category of prisoner may at any time be permitted to use facilities provided, or to participate in recreational activities organised, by virtue of this rule shall be determined in accordance with the system of privileges established under rule 49.

Prohibition on prisoners' carrying on any trade, profession or vocation from prison

91.—(1) Subject to paragraph (2), no prisoner shall be permitted to carry on any trade, profession or vocation from the prison.

- (2) Paragraph (1) shall not be construed as preventing a prisoner—
 - (a) from taking such steps, whether by means of correspondence, telephone calls or visits, as are necessary to protect the value of any interest the prisoner has in any property or business; or
 - (b) from writing articles or books intended for publication, whether or not such articles or books are written by the prisoner in a professional or vocational capacity, but any such activity shall only be permissible insofar as it is compatible with these Rules or any direction made for the purpose of these Rules and the prison regime in general.