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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

**The Prisons and Young Offenders  
Institutions (Scotland) Rules 2011**

**PART 12**

**REQUESTS AND COMPLAINTS**

**Complaints to the residential first line manager**

**122.**—(1) This rule applies to complaints made by a prisoner concerning any matter, other than—

- (a) a matter to which rules 118, 120, 121 and 124 relate; or
- (b) a matter concerning any aspect of the healthcare provided to the prisoner by a healthcare professional either within or outwith the prison.

(2) A prisoner who wishes to make a complaint to which this rule applies must make that complaint to the residential first line manager (“the RFLM”) either orally or in writing but, where the complaint raises any allegations against an officer or employee, the complaint must be made in writing.

(3) The RFLM must, within 48 hours of receiving a complaint under paragraph (2), allow the prisoner the opportunity to discuss the complaint with him or her with a view to resolving the complaint.

(4) Where the complaint cannot be resolved by discussion under paragraph (3), the RFLM must—

- (a) instruct an officer to conduct an investigation into the complaint and report back to the RFLM, either orally or in writing, as soon as practicable having regard to the time limit contained in sub-paragraph (b); and
- (b) subject to paragraph (5), provide a written response to the prisoner, including a copy of any written report which may have been prepared under sub-paragraph (a), within 5 days of receiving the complaint under paragraph (2).

(5) If, in exceptional circumstances, the RFLM is unable to respond within the period specified in paragraph (4)(b), he or she must—

- (a) inform the prisoner accordingly within the period specified in paragraph (4)(b); and
- (b) provide a written response to the prisoner no later than 5 days after informing the prisoner under sub-paragraph (a).

(6) The RFLM, upon issuing a response to the prisoner, must advise the prisoner—

- (a) that the prisoner may refer the complaint to the internal complaints committee if the prisoner is not satisfied with the response; and
- (b) that a referral to the internal complaints committee may be made no later than 2 weeks after the RFLM’s response is issued to the prisoner.