
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

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

PART 12

REQUESTS AND COMPLAINTS

Complaints to the Governor in relation to confidential matters

124.—(1) This rule applies to complaints made by a prisoner to the Governor concerning any confidential matter.

(2) A complaint to which this rule applies must be—

- (a) made in writing;
- (b) placed in a sealed envelope; and
- (c) given to the residential officer, who must convey the complaint to the Governor without delay.

[^{F1}(2A) Where a prisoner makes a request to an independent prison monitor for assistance in making a complaint to the Governor under paragraph (2), the independent prison monitor may provide such assistance to the prisoner as the independent prison monitor considers appropriate.]

(3) Where the Governor is of the opinion that a complaint made under paragraph (2) is not about a confidential matter and is therefore not a complaint to which this rule applies, the Governor must—

- (a) inform the prisoner as soon as reasonably practicable that the complaint is one which should be made in accordance with rule 122; and
- (b) return the written complaint to the prisoner in a sealed envelope.

(4) Subject to paragraph (5), the Governor must consider any complaint to which this rule applies and inform the prisoner in writing and in a sealed envelope of his or her decision within 7 days of the complaint being made and of the reasons for that decision.

(5) If, in exceptional circumstances, the Governor is unable to give a decision within the period specified in paragraph (4), he or she must—

- (a) inform the prisoner of the reasons for the delay;
- (b) advise the prisoner of the timescale within which the decision will be given; and
- (c) inform the prisoner in writing and in a sealed envelope of the decision and of the reasons for the decision as soon as practicable.

(6) The Governor, upon issuing a decision to the prisoner under paragraphs (4) or (5), must inform the prisoner of the process by which the complaint may be referred to the Scottish Public Services Ombudsman.

(7) For the purposes of this rule—

- (a) a “confidential matter” is any matter which, in the opinion of the Governor, is of an exceptionally sensitive or serious nature; and

Status: Point in time view as at 31/08/2015.

Changes to legislation: The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Section 124 is up to date with all changes known to be in force on or before 17 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) “residential officer” means an officer who is required by the Governor to supervise areas of living accommodation for prisoners under the management of the residential first line manager.

F1 Rule 124(2A) inserted (31.8.2015) by The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (S.S.I. 2015/39), arts. 1, 4(6) (with art. 5)

Status:

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