

SPSO decision report



Case: 201103838, Scottish Prison Service
Sector: scottish government and devolved administration
Subject: accommodation (including cell amenities and location)
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that at times the Scottish Prison Service (SPS) had required him to share a cell that was not of an adequate size to accommodate two prisoners. He had been sharing a cell that was intended as a single, but which has been fitted with bunk beds. The prison told him that this was not their preferred option, but it is often necessary for operational reasons. They confirmed that Rule 28 of the prison rules gives them scope to require prisoners to cell share and they said they were not aware of any risk factors that would prevent Mr C and previous cell mates from sharing.

Although it was clear that sharing a cell in these conditions must be frustrating and space will be tight, our investigation found that there is no legal minimum cell size standard. We also found that the prison governor does have discretion to require prisoners to cell share when operational reasons dictate. We have seen copies of the risk assessments carried out for Mr C and previous cell mates. We did not uphold the complaint.