

SHRC

Scottish
Human Rights
Commission



Access to Justice for Prisoners: The Complaints System



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Foreword

“A sense of hopelessness and powerlessness.”

Project participant

Access to justice should be straightforward – for everyone. When any of us experience a human rights violation, we should have access to simple, affordable, quick and effective processes to address our situation and ensure that lessons are learned to protect the rights of everyone. The SHRC has long been concerned that the lived experience of people across Scotland tells a very different story. Finding a solution for human rights harms is often complex and difficult; access to justice is simply out of reach for too many people.

Published as part of our Access to Justice series, this report shines a light on access to justice in Scotland's prisons, illustrating the challenges prisoners and their families, advisors and advocates face when they try to complain about their treatment or conditions in prison.

We ask: How easy is it for prisoners to seek independent advice and advocacy? Do people know what their rights in prison are? How easy is it to pursue a complaint? Is the system capable of learning from its mistakes and improving?

Prisoners are a particularly vulnerable category of people and of rights holders. Responsibility for their safety, health and lives lies solely in the hands of the State, in closed settings with limited public scrutiny. The prison complaints system is therefore vital for the effective protection of human rights. It is one of the only mechanisms for prisoners to challenge their conditions and treatment, and to obtain redress if their rights are violated.

Prisoners and their families are disproportionately represented among those approaching the SHRC to raise concerns relating to their human rights. As with many individual enquiries, they have often exhausted other complaints mechanisms and are contacting their National Human Rights Institution for any other assistance possible. This is why the Commission continues to advocate for a strengthened mandate which would allow us to play a greater role in addressing Scotland's inadequate access to justice system. For now, we work within our mandate to undertake research and publish our findings.

Our research has revealed serious deficiencies in the prison complaints system. We are not persuaded it is fit for purpose. From a human rights perspective this is highly concerning; without a robust and effective complaints system, a prisoner in Scotland experiencing a human rights violation is highly unlikely to be able to pursue justice. The situation is worsened by a wider system that makes pursuing legal action practically out of reach for most prisoners. It is also extremely difficult for the prison service or scrutiny bodies to identify and act upon any serious or systemic issues which are putting human rights at risk.

Although this report centres on the prison complaints system, it is part of a growing picture of concern and increasing urgency around the state of Scotland's access to justice system. In a country committed to introducing further international human rights treaties into our domestic law, it is not acceptable that the foundations of our accountability systems are so fundamentally broken. Real access to justice is unattainable for many people in Scotland and urgent change is needed.




Professor Angela O'Hagan
Chair of the Commission

Executive Summary

Access to justice is a cornerstone of the human rights legal system for everyone. Once a person has been deprived of their liberty by the State, the State has sole responsibility for ensuring that rights are upheld. This includes the ability to make complaints. Prison complaints cover a variety of issues. They may be about a person's access to food and property, or about their correspondence. The same complaints system would also deal with allegations of mistreatment by staff or complaints about living conditions.

We have undertaken this research under sections 3 and 4 of our founding legislation, which empowers us to conduct research and to monitor laws, policies and practices in any area.¹ We have found that the prison complaints system is not effective, with processes which are complex and hard to follow. A key concern for the SHRC as Scotland's National Human Rights Institution is that a flawed complaints system in prisons makes it extremely difficult to identify and investigate serious human rights breaches and to make systemic change needed to make Scotland's prisons safer for those who live and work there.

The SHRC is concerned that there is a real risk that a prisoner in Scotland will experience a situation that may amount to a human rights violation, and it is highly unlikely that a prisoner would be able to easily pursue justice.

This report illustrates what navigating the prison complaints processes looks and feels like from the perspective of prisoners. We focus on the complaint journey, through the Scottish Prison Service ("SPS") and National Health Service ("NHS") published complaints processes and then to the Scottish Public Services Ombudsman ("SPSO"). The report examines the ability of these processes to identify and remedy human rights concerns, both on an individual and systemic level. To do so, we carried out desk-based research on prison complaints processes, both in general and specific to Scotland. We also spoke to a small sample of professionals from a mix of backgrounds, all with in-depth experience of Scottish prison complaints. Finally, we structured our analysis through the relevant human rights framework to arrive at key recommendations and a set of findings.

¹ We carried out this research in the course of 2024. To the best of our knowledge, data and literature is up to date as of January 2025.

What we found

Our assessment indicates that the prison complaints system in Scotland does not meet human rights standards on Access to Justice and practice in relation to the specific Committee for the Prevention of Torture (“CPT”) standards on complaints could be significantly improved.¹

Our evidence suggests that the prison complaints system is not consistently accessible or transparent. It is not set up in a way that ensures continuous learning and improvement and so it does not inspire confidence. Our research also suggests that some prisoners may fear that their circumstances in prison will worsen if they pursue a complaint. Crucially, the system is not centred around human rights, which is problematic when so many of the complaints being considered could have significant consequences for people’s human rights.

Our main findings on the gaps in the prison complaints system are presented against the five basic principles that all prison complaints processes should comply with as outlined by the CPT.



Available and Accessible

The complaints system is not accessible in its current form. People with lower literacy skills, certain physical disabilities, those with learning disabilities or learning difficulties and those for whom English is not their first or preferred language may struggle or be unable to complete complaint forms. In addition, prisoners generally contact SPSO by phone or post, which causes similar barriers.

The SPS system for Equality & Diversity complaints requires improvement. This has been repeatedly pointed out by inspectors for a number of years.

The provision of independent advocacy in prisons is inconsistent and there is much unmet need.

It can be difficult to access independent advice (including legal advice) and information in prison, including on how to complain. There are examples of good practice, which could be replicated across the prison estate.

Families report feeling “brushed off” or a “nuisance”. They can also fear negative repercussions for the person in prison if they complain.



Confidential

Some prisoners fear that complaining will worsen their situation or lead to some form of reprisal. Linked to fear is a general mistrust in the system, or lack of confidence that making a complaint will lead to improved outcomes.

The SPS system as a whole is not confidential.



Effective

There does not appear to be an effective system of triaging complaints in a way that prioritises more serious complaints where there is a risk of a human rights violation having occurred.

Those considering complaints do not do so with a consistent knowledge of the human rights that may be engaged.

There are a number of barriers for those wishing to pursue court remedies for human rights violations. Those include strict time limits, rules on standing (the legal right to bring a case in court), lack of access to specialist legal advice, and an inadequate legal aid system.



Traceable

There is no traceable system in place to allow prisoners to monitor the status of their complaints.

There does not appear to be a consistent mechanism for the complaints system to contribute to learning and improvement of treatment and conditions of prisoners.

Publicly available and transparent data on SPS complaints, appropriately disaggregated, is lacking. This makes it very difficult to properly hold duty bearers to account.

In conducting this research, two things in particular stood out to us. The first is the complexity of the system. As a team of legal, policy and research professionals, we found it challenging to understand and illustrate what the current complaints process for both SPS and NHS complaints is. This left us with the impression that it would be almost impossible for some prisoners, particularly those with certain disabilities or those for whom English is not their first or preferred language, to successfully engage with the complaints processes. The second is that the data on prison complaints is so deficient that it is not possible to understand the full picture, and therefore extremely difficult to effectively hold those with responsibilities to protect human rights, such as the SPS, to account.

Key Recommendations

First and foremost, we recommend that the prison complaints system as it stands is in need of urgent review and reform. It cannot and should not continue unchanged. It is not for the National Human Rights Institution to provide detailed recommendations on the development of a system that works for Scotland's prisons; it is for those with experience of the prison and complaint handling systems to do so. However, in the development of this report we have reflected a number of practical suggestions for short and long-term improvements.

We therefore recommend that:

- The Scottish Government should take action to review and reform the way complaints in Scottish prisons operate. Any reformed system should be grounded in human rights standards and be informed by the experiences of people in prison and their families. This work should be done in collaboration with key stakeholders, with a clear and transparent timescale for delivery.
- The Scottish Government and/or SPS should commit to distributing the guide *Your Rights Under the Scottish Prison Rules*, drafted by SHRC and the Parkhead Citizens Advice Bureau and published in July 2025.² The Scottish Government and/or the SPS should keep this document up to date and should ensure translation into other languages as required and publication in formats such as Easy Read.
- The transparency and accessibility of data on prison complaints should be improved to ensure more robust scrutiny is possible and to promote continuous learning and improvement at a national level.

What is next

We will share this report and the guide *Your Rights under the Scottish Prison Rules* with the Scottish Government, the Scottish Prison Service and other key stakeholders, including those who advise and advocate for prisoners and their families.³ We are committed to follow up work to ensure our concerns are acknowledged and acted upon.

We will also share our findings with relevant Committees of the Scottish Parliament, including the Criminal Justice Committee and the Equalities, Human Rights and Civil Justice Committee.

We will distribute this report among our own domestic and international human rights networks, including through our membership of the NPM and to bodies such as the CPT.

Finally, we will reflect our findings in our future international treaty monitoring and reporting work, for example in relation to the upcoming review of the UK's compliance with Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



About this report

Who we are

The Scottish Human Rights Commission (SHRC) is Scotland's human rights watchdog and National Human Rights Institution.

We are an independent, expert body that works with and for the people of Scotland; we monitor, listen, speak up for all our rights and respond when things go wrong. We are a public body created by the Scottish Commission for Human Rights Act 2006 to protect and promote the human rights of all people in Scotland. We have undertaken this research under sections 3 and 4 of our Act, which empower us to conduct research and to monitor laws, policies and practices in any area.

The SHRC is also part of the international human rights system. It is accredited by the United Nations as its trusted organisation to provide impartial evidence on the enjoyment of human rights in Scotland. The SHRC is independent of Government. We are accountable to the people of Scotland via the Scottish Parliament.

The SHRC is a member of the UK National Preventive Mechanism ("NPM"), and we work together on issues of concern in places of detention in Scotland. The UK NPM is made up of 21 bodies that monitor and inspect places of detention in the UK to prevent torture and ill-treatment for those deprived of their liberty.

Why we did this project

The SHRC 2024-28 Strategic Plan identifies Access to Justice and human rights in places of detention as priority areas. This was informed by evidence gathered through our monitoring of compliance with international human rights treaties to which the UK is a party, for example the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as through engagement with Scottish civil society and members of the public.

Prisoners are a particularly vulnerable category of people. Responsibility for their safety, health and lives lies solely in the hands of the State, in closed settings with limited public scrutiny. Assessment of complaints data is one key indicator of whether conditions in Scotland's prison estate are human rights compliant.

In July 2024, the Commission and the NPM Scottish Subgroup published a report - "Review...Recommend...Repeat" - which focused on the pace of progress on the most serious human rights issues facing people in places of detention in Scotland.⁴ The research examined 29 recommendations for improvement made over a ten year period by international human rights bodies in respect of Scotland's prison and forensic mental health settings. Of these recommendations, we found that 83% have yet to be implemented.

That report confirmed that there are serious human rights concerns relating to fundamental issues like deaths in custody, conditions of detention and use of force and restraint that remain unresolved.

This report illustrates that these known human rights concerns are likely compounded by a prison complaints system which requires significant improvement. It is clear that there are very limited routes to justice for those who experience a potential human rights violation.

The prison complaints system is important as it is one of the only realistic mechanisms for prisoners to challenge their conditions and treatment. As such it is a vital component in the investigation and prevention of torture and ill-treatment as protected, for example, by Article 3 of the European Convention on Human Rights.

An effective complaints system should also be a warning sign for the prison or health services, enabling them to spot emerging human rights issues, rectifying them swiftly before they become systemic or escalate into more significant human rights breaches, such as deaths in custody.

Scope

This report covers complaints processes in Scotland's prisons. It does not cover other places of detention, such as the forensic mental health estate, police custody, secure care or immigration detention.

The report focuses on the complaint journey, through the Scottish Prison Service ("SPS") and National Health Service ("NHS") published complaints processes and then to the Scottish Public Services Ombudsman ("SPSO"). Although we have considered NHS complaints, the majority of our findings relate to the SPS system for complaints. Due to the breadth of issues relating to access to justice, it does not look in detail at structural access to justice issues such as court costs, legal aid or the existence of different court or non-judicial remedies, although literature on these issues or remarks relating to these areas made by interview participants are included at points throughout our report.

Rather, we illustrate what navigating the internal complaints and SPSO processes looks and feels like and examine the ability of these processes to identify and remedy human rights concerns, both on an individual and systemic level.

This report does not present an analysis of the functioning of scrutiny or regulatory bodies with a remit related to prisons, although they are mentioned at points. The SHRC has also separately outlined proposals for strengthening our own mandate and remit, as a means to bridge some of the gaps in our current system. These papers relate to wider access to justice issues in Scotland and can be read in conjunction with this report for wider context.⁵

How we carried out the research

In this project, we set out to:

1. illustrate what navigating the internal complaints and SPSO processes looks and feels like for most prisoners in Scotland;
2. examine the ability of these internal and non-court processes to identify and remedy human rights concerns, both on an individual and systemic level;
3. ground our findings and recommendations in the applicable human rights framework.

We carried out desk-based research on prison complaints processes at the international and UK level and specific to Scotland and examined the journey of prisoner complaints. To test the findings of this exercise, we conducted 10 interviews with stakeholders with expertise and experience of the prison system in Scotland. The stakeholders came from a mix of backgrounds, including general advice and support, legal advice, independent advocacy, prison and health monitoring and inspection, complaints handling, those with specific expertise in detention and human rights and those who have direct experience of supporting a relative in prison. Our interview questions aligned with different stages of the complaints processes together with the human rights requirements on access to justice, complaints and effective remedy.

We made the choice not to speak with prisoners directly. The reason for this was two-fold: (1) we wanted to speak with people who have a general experience and overview of the complaints processes to ensure we were capturing more systemic issues; and (2) capacity and resource constraints. Building on this snapshot analysis, further work and research in this area may be required by those with human rights responsibilities and regulators to inform improvements to the system. Participation of those with lived experience of a particular human rights issue is central to a human rights based approach. We are clear that any future work to review and reform these processes should, of course, involve prisoners and their families.

We carried out this research in the course of 2024. To the best of our knowledge, data and literature is up to date as of January 2025.

Human rights and prison complaints

This section provides a brief summary of the human rights standards that are of particular relevance to complaints processes in Scotland's prisons. It covers the right to an effective remedy, international standards on complaints processes in prison, and outlines general human rights standards applicable to prisons.

A full list of the sources of human rights standards is provided below.

The right to an effective remedy

The right to an effective remedy is enshrined in Article 13 of the European Convention on Human Rights ("ECHR").⁶ In Scotland, the rights protected by the ECHR are given direct effect through the Human Rights Act 1998 and the Scotland Act 1998.

In addition to the ECHR, the right to an effective remedy is also guaranteed in a number of international human rights treaties to which the UK is a party. These include, for example, the International Covenant on Civil and Political Rights ("ICCPR")⁷, the International Convention on the Elimination of All forms of Racial Discrimination ("CERD")⁸, the Convention on the Rights of the Child ("CRC")⁹, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT")¹⁰.

International human rights bodies have interpreted and developed the content of the notion of an effective remedy, and reading across various international human rights instruments, the following characteristics are required for remedies to be effective:¹¹

- Accessible – Remedies must be transparent, simple, ensure legal advice, and ensure the possibility of public interest litigation;
- Affordable – Remedies must not be costly (ideally free), and sufficient legal aid must be ensured;
- Timely/ Prompt – There must be no unwarranted delays, and there must be mechanisms in place that can urgently prevent the materialisation of irreparable harm; and
- Effective - Remedies must ensure both administrative and judicial procedures that can be challenged if needed. They should allow for collective litigation with

outcomes that benefit more than just the parties involved. There must be consequences for non-enforcement, and remedies must include appropriate reparations—such as restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.¹²

International Standards for Prison Complaints

There are a number of international standards, norms and guidelines governing conditions of detention and the humane treatment of prisoners. Many of these recognise complaints processes as an important accountability function and integral to the prevention of torture and ill-treatment.¹³

Safeguards for those deprived of their liberty are covered by some of the core international human rights treaties¹⁴ and further elaborated in General Comments drawn up by treaty bodies.¹⁵ They are also defined in more detail in a range of international prison standards, all of which have specific articles and chapters on complaints.¹⁶ While these standards are non-binding, they have ‘strong moral authority’¹⁷ and have informed the development of domestic prison standards, including in Scotland.¹⁸ If delivered well, the learning from complaints can be used to improve conditions of detention and address systemic failings.

These standards cover a range of elements, including that:

- All prisoners have the right to access complaints mechanisms on a daily basis;¹⁹
- Prisoners should be provided with information about how to make a complaint in a format they can understand;²⁰
- Prisoners should have the opportunity to make requests or complaints to the prison director, inspectors, central prison administration or to an independent body;²¹
- Legal advisors or family members should be able to make a complaint on behalf of a prisoner;²²
- Complaints should be dealt with promptly and without delay;²³
- Complaints can be made safely and confidentially without risk of negative consequences or reprisals;²⁴
- When complaints are rejected, the reasons are clearly explained, and the prisoner shall have the right to appeal to a judicial or other independent authority;²⁵
- Allegations of torture or other cruel, inhuman, or degrading treatment or punishment of prisoners should be dealt with immediately and result in a prompt and impartial investigation conducted by an independent authority;²⁶

- Every death in custody should be referred to an independent impartial body for investigation;²⁷
- The specific needs of categories of prisoners, such as women or children should also be taken into consideration;²⁸
- A record of complaints should be kept, including action taken and outcome.²⁹

The CPT outlines five basic principles that all prison complaints processes should comply with - that they be available, accessible, confidential, effective and traceable³⁰. It also states that complaints bodies should not be conceived as a substitute for criminal and other legal remedies. The CPT has found that many countries have no complaints procedures at all or major shortcomings such as a failure for the complaints mechanism to function independently from prison authorities.³¹

Human rights in prison

Prisons engage a whole range of human rights under the ECHR and international human rights treaties. Additionally, a significant body of international 'soft law' rules interprets these general rights provisions, providing non-binding but authoritative guidance for good practice in the treatment of prisoners and prison management.

An important starting point is that prisoners retain all rights and freedoms guaranteed in various human rights instruments, subject only to restrictions which are unavoidable, necessary and proportionate in the context of imprisonment. Many human rights standards applicable to prisons are concerned with conditions of detention, such as the prohibition of torture or cruel, inhuman, or degrading treatment or punishment and the right for all persons deprived of their liberty to be treated with dignity. Those standards set out a range of requirements which prison conditions must meet to avoid ill-treatment, including minimum cell sizes, lighting, and time out of cell. It is well established in the jurisprudence of the European Court of Human Rights that seriously deficient physical conditions in prison may raise an issue under Article 3 ECHR, which contains the absolute prohibition of torture, cruel, inhuman, and degrading treatment or punishment. For instance, the Court has found violations of Article 3 in cases of overcrowding, lack of access to fresh air, limited time out of cell, lack of access to natural light and poor sanitary arrangements in prisons.³²

Other standards relate to certain aspects of the prison regime, such as exercise, as well as access to healthcare.

Whilst a detailed discussion of all human rights standards relevant in this context is beyond the scope of this report, specific standards which are potentially more likely to be the subject of a complaint are set out in more detail:

- Food – Prisoners are to be provided with food three times a day with reasonable intervals,³³ and clean drinking water must be always available.³⁴ Food must be of nutritional value adequate for health and strength, considering a prisoners age, health, physical condition, religion, culture and the nature of their work.³⁵
- Exercise – All categories of prisoners should have at least one hour of outside exercise in the open air every day if weather permits.³⁶ When the weather is inclement, alternative arrangements shall be made to allow prisoners to exercise.³⁷ Prison authorities should facilitate activities that promote physical fitness by providing appropriate installations and equipment.³⁸ There is also an obligation on prison authorities to organise special activities for those prisoners who need them,³⁹ and for physical and recreational training to be available to young prisoners.⁴⁰
- Health – Prisoners should enjoy the same standards of health care that are available in the community and should have access to necessary health care services free of charge without discrimination on the grounds of their status as prisoners.⁴¹ Dental treatment should also be available to every prisoner.⁴²
- Visits – Prisoners should be assisted to maintain contact with their families, and in doing so should be allocated, to the extent possible, to prisons close to their homes.⁴³ Visits should be arranged in a way that allows prisoners to maintain and develop family relationships in as normal a manner as possible.⁴⁴ Family contact should not be prohibited as a disciplinary measure.⁴⁵ In relation to women prisoners, the Bangkok Rules make clear that visits involving children should take place in an environment that is conducive to a positive visiting experience, including regarding staff attitudes, and shall allow open contact between mother and child.⁴⁶
- Correspondence – Prisoner's correspondence may be subject to restrictions and monitoring which are necessary for the requirements of continuing criminal investigations, maintenance of good order, safety and security, prevention of criminal offences and protection of victims of crime, but such restrictions must not be disproportionate and indiscriminate.⁴⁷
- Property – Prisoners' private property should be recorded on admission to prison, and any temporarily seized items from prisoners are to be stored adequately, taking care not to damage or lose items.⁴⁸

Scottish Prisons and complaints processes

The Scottish prison system in context

Scotland has a high number of prisoners and an exceedingly high number of prisoners on remand.⁴⁹ Figures have been consistently high over a number of years, despite criticisms from international bodies and calls from several parties to take measures to address overcrowding and invest in alternatives to detention,⁵⁰ with calls for reforms in relation to women⁵¹ and children's imprisonment⁵² and the use of remand.⁵³ Although some reforms have already been implemented⁵⁴, overcrowding persists across the Scottish prison estate which impacts significantly on the physical environment and the daily regime. Such factors are likely to give rise to increased complaints because they impact on minimum standards and the functioning of almost every part of the prison system.⁵⁵

There are 17 prisons in Scotland⁵⁶; 16 are run by the Scottish Prison Service and 1 is run by a private company. Recent data, published by the Scottish Prison Service in January 2025, shows that on 3rd Jan 2025, the overall prison population in Scotland was 8,213, approximately 23% of whom (1,895 people) were untried.⁵⁷ Concerns about a spike in prison numbers between March and April 2024⁵⁸ led to the Scottish Government initiating action to permit the early release of some categories of prisoner.⁵⁹

Data from 2025 suggests that women make up 4% of prisoners.⁶⁰ Over the longer term (from the year 2009-10 onwards), there has been a reduction in the number of young people and younger adults (those under 30 years) in prison.⁶¹ There have been no under 18s in prison since August 2024 as a result of the passing of the Children (Care and Justice) (Scotland) Act 2024,⁶² which ended the use of prisons and Young Offenders Institutions for children under the age of eighteen who have been remanded or sentenced.⁶³ The proportion of people in prison that were aged 50 years or older almost doubled in ten years, rising from 7.7% in 2012-13 to 14.8% in 2022-23.⁶⁴ The proportion of individuals who are not British nationals increased from 5% in 2017-18 to 9% in 2023-24.⁶⁵

The Scottish Prison Service Complaints process

The complaints process in Scotland is outlined in the Prison and Young Offenders Institutions (Scotland) Rules 2011⁶⁶ and other relevant documents such as the Scottish Prison Rules (Complaints) Direction 2022⁶⁷ and guidance provided to prisoners. All prisons follow this same process, including privately operated establishments. Where a complaint relates to an “equality and diversity” issue, prisoners should complete an Equality and Diversity Form (EDF) in addition to the main complaint form.

Visitors to prisons can make complaints using forms available when visiting a prison.

Complaints about healthcare are made in accordance with a different NHS complaints process.

If a prisoner is not satisfied following either the SPS or NHS complaints process, they have the right to take their complaint to the Scottish Public Services Ombudsman (“SPSO”). Visitors and families can also take their complaint to the SPSO.

Rule 122 of the Scottish Prison Rules

A Prisoner Complaint Form 1 (PCF1) is used to complain to the Residential First Line Manager (“RFLM”) under Rule 122 of the Prison Rules. This can either be done by completing the form or verbally communicating the complaint to the RFLM. Where a complaint concerns an allegation against an officer or employee, it must be made in writing. A meeting between the RFLM and the prisoner should then be arranged within 48 hours of the form being submitted with a view to resolving the complaint. If unable to resolve the complaint at that initial discussion, the complaint will be allocated to a nominated officer for investigation and a written response issued within 5 days of receiving the complaint.

Rule 123 of the Scottish Prison Rules

If the prisoner is unhappy with the response, they can then refer their complaint to the Internal Complaints Committee (“ICC”), who will arrange a hearing which the prisoner can attend, potentially resulting in recommendations made to the Governor. The referral to the ICC must be made in writing no later than 2 weeks after the RFLM response is issued to the prisoner.

The Governor must appoint at least 3 members to the ICC and at least 2 of them must be officers or employees. A chair of the ICC must also be appointed, and they must be an officer or an employee.

The Governor then has 20 days to look at the decisions and recommendations of the ICC and write to the prisoner with a final decision on whether they endorse or reject the ICC's decision. Where the decision of the ICC is rejected by the Governor, they must confirm the reasons why they have rejected the ICC's decision and any further action that is proposed in light of the Governor's decision to reject the ICC's decision.

If the prisoner has exhausted this process and is not satisfied that their complaint has been resolved, they can then contact the Scottish Public Services Ombudsman (SPSO), which is the final stage of complaints handling about the prison service, amongst other public bodies, in Scotland.

Rule 124 of the Scottish Prison Rules

Complaints which are confidential, exceptionally sensitive or about serious matters are made using a Prisoner Complaint Form 2 (PCF2) form under rule 124 of the prison rules. This covers things like allegations of serious misconduct. A complaint under this rule must be made in writing. These forms should be placed in a sealed envelope and passed to the Governor who is obliged to respond within 7 days. If the prisoner is not satisfied that their complaint has been resolved, they can then contact SPSO.

Healthcare complaints

Responsibility for healthcare in prisons transferred from the SPS to the NHS in 2011 and individual health boards are now responsible for delivering healthcare in prisons situated within their areas.⁶⁸ This means that complaints about prison healthcare follow the same process as the general population in the community.

A new NHS Healthcare Complaints Handling Procedure⁶⁹ was introduced in Scotland on 1 April 2017, which was intended to be more person centred and promote continuous learning and improvement. It introduced a standardised five working day response rate for local resolution at stage 1 and a 20 working day response rate for complaint investigations at stage 2,⁷⁰ akin with other public bodies. SPSO is also the final stage for complaints handling for prison healthcare.⁷¹

SPSO

The Scottish Public Services Ombudsman is the final stage for complaints about the SPS and the NHS. SPSO's powers and duties mainly come from the Scottish Public Services Ombudsman Act 2002.⁷² Complaints must be referred to the SPSO within 12 months of the final internal SPS or NHS decision. Importantly, SPSO is not an appeals body, and it will not overturn decisions. Rather, the SPSO is concerned with whether there has been "maladministration"; this is an open-ended term, but generally the SPSO may consider things like unreasonable delay or failure to apply the law or rules properly as maladministration.

Independent Prison Monitors

Independent Prison Monitors ("IPMs") operate separately from the complaints process but perform an important monitoring function and offer access to someone who is independent of the prison whom prisoners can talk to about their treatment and conditions. IPMs were given a statutory footing under the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2014⁷³ and carry out their role on a voluntary basis. They are required to have a weekly presence in every prison and can be contacted via a freephone number.⁷⁴

IPMs can respond to requests from prisoners for confidential conversations, conduct investigations, examine records and escalate issues to management.⁷⁵ IPMs can therefore potentially play a role in informal resolution of issues, but also in providing guidance to prisoners on how to use the SPS and NHS complaints system, as well as referring prisoners to external agencies.

Findings and analysis

Prison complaints mechanisms in general have not been widely researched,⁷⁶ and there is little in the way of studies which specifically focus on Scottish prisons. However, Scottish prison inspection and monitoring reports⁷⁷ combined with observations and recommendations from international human rights monitoring bodies,⁷⁸ and research examining other jurisdictions such as England and Wales,⁷⁹ Ireland⁸⁰ and Europe⁸¹ enable us to draw out common themes about the barriers prisoners experience when making a complaint.

We have carried out desk-based research alongside conducting interviews with a small number of individuals and representatives of organisations with a range of experiences of the SPS, NHS and SPSO complaints systems. Some participants followed up in writing or provided us with internal data or analysis. The SPS provided us with complaints data for the period 2021-2024. All interviews were conducted between February and April 2024.

Our findings and analysis are set out in this section, grouped into themes corresponding to various stages or aspects of the complaints process. Quotes are from our interviews with participants and have been anonymised.

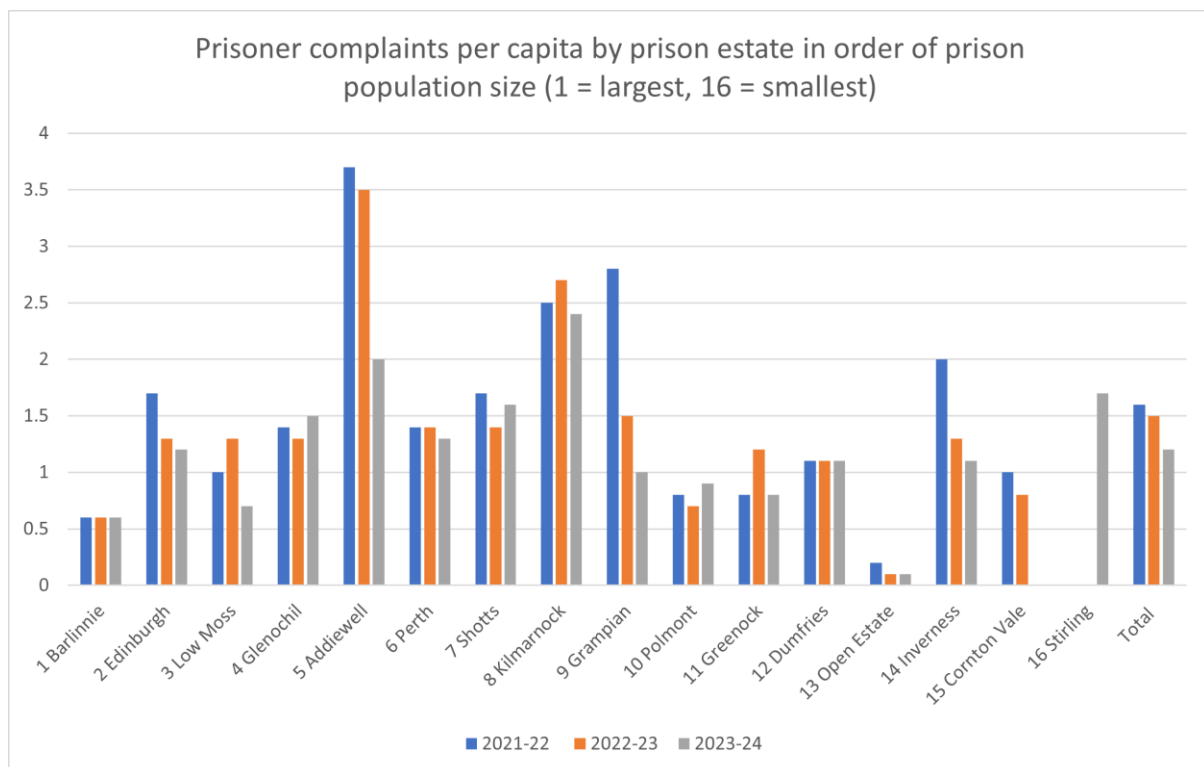


Complaints: Facts, Figures and Themes for Scotland

There is a notable lack of transparency in the data on complaints in Scottish prisons. The SPS provided the SHRC with internal complaints data on request for the years 2021-24, which was welcomed. According to this data, the total number of complaints across the prison estate has decreased over the relevant three year period, though there is some fluctuation across different prisons.⁸²

The SHRC mapped the internal data provided by SPS onto publicly available data on Scottish Prison Population Statistics, which, at the time of writing, is available up to 2023-24⁸³, in order to provide a better picture of prisoner complaints per capita in each establishment.

The below table represents prisoner complaints per capita by establishment in order of prison population size (1=largest establishment, 16=smallest). There are now 17 prisons in Scotland, with HMP YOI Stirling opening in 2023. Cornton Vale (included in the below table) closed in 2023. Two new Community Custody Units (Lilias and Bella) are not included in the table as publicly available data at the time of writing does not report on their population size. Despite these limitations, the SHRC believe the table still gives an accurate general picture of complaints per capita in Scottish prisons by establishment.



According to our analysis, HMP Addiewell and HMP Kilmarnock stand out as having particularly high numbers of complaints per capita. There appears to have been a sharp drop in complaints in HMP Grampian from 2021/22 – 2023/24 and a notable drop in HMP Inverness and HMP Addiewell over the same time period. HMP Barlinnie is also notable, but for the particularly low number of complaints it receives per capita; this figure appears unchanged over the three year period.

According to the data provided by SPS, the top three complaint themes between 2021-24 were property,⁸⁴ staff⁸⁵ and physical environment.⁸⁶ Other topics which also received a high number of complaints were in relation to food, prison regime and prisoner correspondence.⁸⁷

Due to the lack of specific data on complaint types disaggregated by characteristics such as age, gender, ethnic background or religion, and the absence of information categorised by establishment, drawing specific conclusions is very challenging. We cannot determine, for instance, whether certain types of complaints are more prevalent in particular establishments, potentially signalling systemic issues. Nor can we assess whether these complaints are widespread within certain groups across the entire prison population. We accept that, in some instances, disaggregating and publishing data could be challenging due to the small numbers of people involved and the risk of compromising anonymity for individual prisoners. That said, the lack of transparent data makes it almost impossible to understand prison complaints trends and therefore hold duty-bearers to account on complaints.

SPSO received 321 complaints relating to prisons in 2023-24, an increase of 26.9% from the previous year. 54 (18%) of these were received prematurely.⁸⁸ Of the complaints from prisons that were in scope, 0% were upheld (compared with 100% of prisoners complaints upheld in 2022-23 and 75% in 2021-22).⁸⁹ The lack of upheld decisions is explained by SPSO as being due to 'the low number of cases investigated'.⁹⁰ Health-related prisoner complaints to SPSO are not recorded under prison figures, but come under complaints for the healthcare sector in general.

Recorded upheld SPSO decisions in relation to prisons since 2020 are categorised under a mixture of themes,⁹¹ including personal property, policy/administration, downgrading, progression, complaints handling, special escorted leave, accuracy of personal records and non-legal correspondence.

International bodies have provided mixed commentary on prison complaints handling in Scotland. Following their visit to Scotland in 2018, the CPT found that there was evidence that prisoners were clearly aware of the complaints procedure and their examination of recent complaints confirmed that responses were 'well written, substantive and relatively swift'.⁹² However, during their 2019 visit, the Committee identified one instance of a female prisoner who had made several allegations of ill-treatment by escort and prison staff, had

submitted a complaint in writing but had received no formal response and did not appear to have been investigated or even registered.⁹³ At the time of writing, the Committee's 2025 findings have not yet been published.

The UN Committee Against Torture ("UNCAT") raised concerns about failure of the state party to provide the Committee with comprehensive disaggregated data relevant to complaints and reports of torture and ill-treatment during its review of the United Kingdom in 2019. It also called on the state party to establish effective inspection and complaint mechanisms that are genuinely accessible to children in detention,⁹⁴ though these criticisms were directed at the state party as a whole and not specifically to Scotland.

In 2023, the Committee on the Rights of the Child also called on the UK to ensure that all children have access to a confidential, child-friendly and independent complaints mechanism in detention settings and raise awareness among children of their right to file a complaint. It also called on the state party to promptly investigate all cases of violence against children in detention and duly sanction perpetrators.⁹⁵

HMIPS National Mid-Year Independent Prison Monitoring Report (April- Sept 2023) highlighted the key national concerns of IPMs operating in Scotland's Prisons. The report highlights complaints as a key area of concern, stating:

"Across most prisons, prisoners report a lack of faith in the SPS Prisoner complaints system. The system does not follow best practice as advised by the Scottish Public Services Ombudsman and should be reviewed by the SPS as a matter of urgency".⁹⁶

The ratings under standard 5.7 (the prison complaints system works well) for the inspection reports published between 2021 and January 2025 have been mostly categorised as 'generally acceptable'⁹⁷ or 'satisfactory'⁹⁸ with just one prison - HMP Edinburgh, being given a rating of 'poor'.⁹⁹ In some reports the complaints responses were noted to be timely, robust and appropriate,¹⁰⁰ but a range of concerns were documented and many pre-inspection surveys highlighted low confidence amongst prisoners in the complaints system.

In its 2023-24 Annual Report, HMIPS reiterated concerns around prisoners' lack of confidence in the complaints system and made a number of recommendations, including that 'SPS HQ should look to introduce an electronic system for registering a complaint and recording progress with responding to it, which would end prisoner concerns that complaints get lost, torn up or are not actioned'.¹⁰¹

Awareness of and willingness to engage with the complaints process

What we know

To make a complaint, prisoners need to be aware of how the prison complaints system works, know where to find the relevant forms and understand what support is available to them if required. Although information about complaints is provided to all prisoners as part of their induction, the current SPS complaints system is largely paper based, using forms which have to be completed in writing. This can create barriers for those with low literacy skills, those for whom English is not a first or preferred language¹⁰² or prisoners with learning disabilities or learning difficulties.¹⁰³ Given evidence of the higher prevalence of speech, language and communication needs (SLCN),¹⁰⁴ neurodevelopmental disorders¹⁰⁵ and traumatic brain injury (TBI)¹⁰⁶ amongst the prison population compared with the wider population, the need for accessible and inclusive communications and alternative formats is all the more important.

HMIPS inspection reports over the past four years highlight that information about complaints is generally provided to prisoners in a satisfactory manner via the induction process and display boards in halls and communal spaces, but there were areas identified where improvements are required. Although complaint forms were noted to be freely available in the majority of prisons, there were examples of missing complaints boxes,¹⁰⁷ forms not being freely available or as accessible as they should be,¹⁰⁸ inconsistent practices between halls and processes not being advertised adequately.¹⁰⁹

SPS has previously recognised that more is needed to improve communication to prisoners whose first or preferred language is not English.¹¹⁰ While prisoner complaint forms have now been translated into six other languages (Arabic, Albanian, Romanian, Polish, Lithuanian and Vietnamese), HMIPS inspectors have observed that these are not always readily available on all halls.¹¹¹ Some inspection and monitoring reports have highlighted that non-English speakers require more support to access the complaints process.¹¹²

What participants told us

“Unless you are a literate person, you are going to struggle with the complaints form. We really need to make complaining more accessible.”

“If you were to experience multiple barriers, you’ve got no hope.”

Participants highlighted numerous issues that could make the complaints process difficult to engage with for people experiencing language, communication or other accessibility barriers.

Generally, complaints are submitted in writing using a complaints form. Participants thought that a person would require a proficient level of literacy to be able to articulate their complaint in writing. One participant highlighted that prisoners are perhaps informed that there is a complaints process, but they are not given any formal assistance or information on how to write a complaint or what evidence they might need to present. This can lead to poorly formulated complaints that do not communicate the issues that are being experienced by a prisoner. The same participant mentioned that many SPS staff are very helpful and will try to assist prisoners with complaints; however, when complaints are about other staff, the participant noted there is an obvious and “understandable” reluctance from staff to get involved.

Almost all participants mentioned that language can be a significant barrier for foreign national prisoners when they come to submit a complaint and it is commonplace for prisoners to rely on other prisoners to help them write complaints.

Participants stated that people with learning difficulties, such as dyslexia, would likely find the complaints process difficult to navigate. Families report that their relatives in prison with mental health issues or who are disabled may not be able to bring complaints without assistance.

“

If you were to experience multiple barriers, you’ve got no hope.

Fear and Distrust

What we know

Fear was a commonly recorded issue across the general literature on complaints, stemming from a belief that complaining might result in a worsening of the situation, for example by downgrading, loss of privileges, impact on progression or being labelled a ‘troublemaker’.¹¹³ This was echoed by prison inspection and monitoring reports in Scotland, which found that some prisoners held a view that complaining would have negative consequences for them, even if there was no evidence to substantiate this.¹¹⁴ Views included a fear of being returned to closed conditions,¹¹⁵ protection prisoners being moved to mainstream¹¹⁶ and that complaining could affect prospects of release.¹¹⁷ Beyond fear, widespread distrust in the complaints system was also evidenced.¹¹⁸

Fear of reprisals and distrust in accountability mechanisms may also make prisoners less likely to complain about other prisoners or members of staff,¹¹⁹ especially if complaints of ill-treatment by prison staff do not lead to judicial processes or prosecutions.¹²⁰ Scottish prisons complaints data shows that complaint categories such as ‘bullying’, ‘religion’, ‘victimisation’, ‘protection’ and ‘race issues’ have relatively low numbers of complaints compared with other complaint themes; however ‘staff’ was the second most complained against category in SPS data for a three-year period between 2021 and 2024.¹²¹ As stated above, given the lack of transparent, disaggregated data on prison complaints, it is difficult to draw any firm conclusions.

Research into prison complaints in a number of jurisdictions has found that certain groups within the prison population, particularly those with protected characteristics, experience increased vulnerability in prison, but are less likely to complain and feel less confident that complaints are dealt with fairly when they do.¹²²

It is reported that LGBT+ prisoners, for example, are disproportionately affected by violence and hate crimes,¹²³ but the general complaints system as well as the system for complaining about homophobia, biphobia and transphobia is perceived as inflexible and uncompromising.¹²⁴ The SPSO has also noted that certain categories of prisoners in Scotland, such as women and young people, appear much less likely to complain to the SPSO.¹²⁵ While there has been extensive media coverage about single sex accommodation in prisons and concerns about the impact of policies on the management of transgender people in custody, there is currently no publicly available data on complaints received from male or female prisoners in respect of single sex provision. The thematic complaints data provided to the SHRC to support this research does not capture this category of complaint.

Complaints data for Scotland shows that ‘race issues’ had a relatively low number of complaints compared with other complaint themes,¹²⁶ but SPS has previously noted that a significant number of prisoners who experienced discrimination do not report this behaviour.¹²⁷ It acknowledged that despite known incidents of discrimination and bullying¹²⁸, prisoners may be reluctant to make Equality and Diversity or hate related complaints because of fear of being labelled a ‘grass’ or because they lack of confidence that it would lead to an improvement in their situation.¹²⁹ It therefore made a commitment as part of its 2017-2020 Equality Outcomes to:

‘raise awareness amongst prisoners about how to make a complaint and capacity to do so, including specifically on the grounds of prejudice or hate, and increase staff skill and knowledge in responding appropriately to such complaints’.¹³⁰

It reported that it rolled out a revised e-learning Prisoner Complaints package in 2019.¹³¹

In relation to Equality & Diversity, HMIPS prison inspection reports published since 2020 reveal inconsistent and inadequate handling of equality and diversity complaints, noting issues such as E&D forms not being readily available,¹³² lack of staff knowledge or training around E&D processes,¹³³ lack of clarity in how E&D complaints differed in process outcome from other complaints and failure to identify and review systemic issues.¹³⁴ However, there were also examples of E&D complaints being handled appropriately in a minority of prisons.¹³⁵

What participants told us

“Newer prisoners are shell shocked. They do get information on complaints as part of their induction, but I’m not sure how much of it they take in.”

“National induction informs prisoners about the complaints system, but the induction is inadequate.”

Generally, participants believed that prisoners would be aware that there is a complaints process; but awareness of the different types of complaints (PCF1 and PCF2) or how the process works in detail was thought to be limited.

Participants said that they thought awareness of the complaints process would be vastly different among different groups of prisoners. It was generally thought that longer term prisoners would be more likely to fully understand the complaints process and how to use it, but participants reflected that remand prisoners or newer prisoners seem to be less aware of the system.

One area of confusion appears to be Equality and Diversity complaints. One participant noted that the process was very difficult to understand when something should be recorded as an E&D complaint.

“[On E&D complaints]...Not only are prisoners not aware of it, but neither are the staff.”

Participants reported that there a number of attitudes towards pursuing complaints. Some prisoners are very comfortable pursuing complaints, but participants felt there is a significant proportion of prisoners who either would not or could not pursue a complaint. This could be because the process is not accessible to them for a variety of reasons (literacy, language, other barriers related to disability) or due to a nervousness or perception that there would be potential repercussions in terms of their regime, treatment or conditions as a result of complaining. It is worth noting that participants acknowledged that a fear of repercussions is a perception of some prisoners but could not point to any specific evidence of this occurring. In this vein, some participants mentioned that prisoners have fears of being labelled a “problem” or a repeat or prolific complainer.

Newer prisoners are shell shocked...I’m not sure how much of it they take in.



Lack of confidence in the system

What we know

Linked to fear is a general mistrust in the system, or lack of confidence that making a complaint will lead to an improved outcome or desired change. Both the literature reviewed and prison inspection and monitoring reports showed that many prisoners lack confidence that the complaints system would result in a positive change, which is linked to a range of concerns including breaches of confidentiality, excessive time taken to process complaints and poor quality of responses.¹³⁶ Views expressed by prisoners in inspection and monitoring reports in Scotland included the belief that complaints go missing, and that the system worked badly,¹³⁷ complaints were not dealt with within a reasonable timeframe¹³⁸ or that there was a perceived lack of confidentiality in the process.¹³⁹ There were, however, also some examples of where prisoners expressed confidence in the complaints system and would use it when necessary.¹⁴⁰

Delays in processing complaints and a failure to meet the requisite timeframes can contribute to prisoners' perception of fairness and participation,¹⁴¹ adding to a sense of futility and pointlessness.¹⁴² In situations where there are high levels of staff absences (which has at times been the case in Scotland¹⁴³) or where there are low ratios of staff to prisoners due to overcrowding, this can impact on the complaint experience because staff are unable to spend sufficient time on complaint processing or building relationships with prisoners.¹⁴⁴

Research has suggested that long-term, high security prisoners are more likely to complain than those who are on remand or serving short-term sentences,¹⁴⁵ even though the regime and privileges for those on remand are often less favourable. Scottish data highlights the highest number of complaints comes from those in the 35-49 age group.¹⁴⁶

The literature has also indicated that women, younger prisoners, black and minority ethnic prisoners and LGBT+ prisoners are less likely to complain and report poorer experiences with the complaints processes when they do.¹⁴⁷ This accords with findings from Scottish prison inspections where HMIPS inspectors have previously described the Equality and Diversity complaints handling process as 'wholly lacking' or 'deeply flawed'.¹⁴⁸

A recent HMIPS Analytical Review of Young People's Experiences of the Scottish Prison Estate¹⁴⁹ found that most young people (defined as those aged 25 and under) did not feel that the complaints system in their establishment worked well. Some respondents expressed reluctance to make complaints for fear of being treated worse to punish them for putting in a complaint.

What participants told us

“I have no confidence in a complaints system that doesn’t log the complaints – there is no transparency for the prisoners. If this was done electronically you would get automatic responses, but they have no understanding even of what sort of complaints have been submitted, no notice about what issues others have complained about.”

“Too many people are saying they are putting in a complaint and not getting a response.”

A number of participants reflected that the way the SPS currently records complaints is highly unsatisfactory. The first part of the complaints process encourages informal resolution by a Residential First Line Manager. Participants reflected that, although resolving things informally can help in individual circumstances, it means it is more difficult to identify trends or capture the full picture around complaints and therefore particular problems that are being experienced by prisoners. This means, in turn, that the system cannot fully learn from mistakes and improve.

Multiple participants raised the issue that complaints are reported as being lost, not logged properly, or in some cases mentioned reports of complaints being destroyed. Participants mentioned that there is often no way to evidence these allegations, nor is there evidence to disprove them, as there is no automatic electronic logging of complaints at the first instance, nor are copies of complaint forms provided to prisoners as proof of a complaint having been logged.

Too many people are saying
they are putting in a complaint
and not getting a response.



“The complaints process needs to be reformed completely and made more accessible. Move it to an electronic, trackable system where you can choose the language of your choice. You get a formal response in the correct timeframe. If you sent it to the wrong department, it gets directed to right place.”

“We have had anecdotal reports of complaints being ripped up, binned, just not being dealt with at all. There is no electronic system for complaints in Scotland unlike in England and other jurisdictions.”

There were mixed views as to whether prisoners are kept adequately informed about the progress of their complaints. Some highlighted areas of good practice and adherence to stated timescales, whereas others felt that prisoners could be better informed about the progress and different stages of their complaint.

One participant told us that they thought there should be much more transparent data available to prisoners about complaints. They thought prisoners should be able to see the types of issues that are being complained about, how many complaints are being received broken down by issue, and what the prison is doing to rectify those issues. Although the participant recognised there are forums such as Prison Information Action Committees (PIACs), they still felt there should be further transparency around complaints.

Some participants raised their experience or view that women were less likely to complain, to seek legal advice, or to take their complaint to the SPSO.

Participants generally thought that the quality of the reasoning given on decisions can vary, although there was a common view that decisions could be better explained. One participant noted that they thought the responses provided in relation to PCF2 complaints (complaints that go directly to the Governor due to their sensitive nature) generally contain more reasoning.

The Internal Complaints Committee

What we know

As set out above, if a prisoner is unhappy with the response to their complaint submitted as a PCF1, they can then refer their complaint to the Internal Complaints Committee (ICC), who will arrange a hearing which the prisoner can attend, possibly resulting in recommendations made to the Governor. The referral to the ICC must be made in writing no later than 2 weeks after the Residential First Line Manager (RFLM) response.

The Governor must appoint at least 3 members to the ICC and at least 2 of them must be officers or employees. A chair of the ICC must also be appointed, and they must be an officer or an employee.

The Governor then has 20 days to look at the decisions and recommendations of the ICC and write to the prisoner with a final decision. If the prisoner has exhausted this process and is not satisfied that their complaint has been resolved, they can then contact the SPSO, which is the final stage of complaints handling about public bodies in Scotland.

It is important to note that, under the Prison Rules, ICCs also serve as the disciplinary appeal. Under Rule 118, a prisoner who is found guilty of any breach of discipline at a disciplinary hearing under Rule 133 may appeal the decision – this is known as a disciplinary appeal. Where a disciplinary hearing was chaired by an officer who is not the Governor in Charge, the disciplinary appeal is heard by the ICC.

Prison inspection and monitoring reports between 2021 and 2024 provide examples of ICCs being well established, delivered according to process and of a high standard¹⁵⁰. However, there were also examples of complaints progressing to ICC taking place late,¹⁵¹ of there being lack of adequate recording of ICC decisions,¹⁵² and of ICC outcomes not being enforced.¹⁵³

What participants told us

“The ICC is a toothless remedy”

“There are issues around the ICC not being an independent panel – it ought to be, but it isn’t”.

Some participants raised concerns that the ICC is not a rigorous process, with the quality of scrutiny given varying hugely dependent on the chair of the ICC. Participants also raised that prisoners could find it very difficult to represent themselves at an ICC, and many do not understand their rights going into the ICC.

Many participants criticised the fact that the ICC is not an independent panel, and most thought that there should always be at least one person sitting on the ICC who is not an SPS employee. For more serious matters, some participants raised that they thought the ICC should consist of more than 3 members, given the significance of the issues at stake.

Some participants commented that the reasoning of the ICC can be hard to follow. Another participant said that even when the ICC rules in favour of prisoners – which participants acknowledged is not uncommon - there can be a time delay in implementing the decision. Participants felt that outside representation at the ICC was uncommon.

Although the research focused on the complaints systems within prisons, we note that two participants separately raised that ICCs determine issues about complaints, but under the prison rules they also serve as the disciplinary appeal. Under Rule 118, a prisoner who is found guilty of any breach of discipline at a disciplinary hearing under Rule 133 may appeal the decision – this is known as a disciplinary appeal. Where a disciplinary hearing was chaired by an officer who is not the Governor in Charge, the ICC hears the disciplinary appeal.



The ICC is a toothless remedy

Participants told us that the ICC can deal with a wide spectrum of issues, from what they characterised as more minor issues through to serious complaints about treatment and conditions and, in the case of disciplinary appeals, may be making decisions that have a direct impact on cellular confinement or on a person's likelihood of parole, all of which have significant human rights implications.

“One problem with ICCs is where they relate to the use of segregation or where could have an impact on a prisoner's parole (for example if they are appealing against a finding on their behaviour). In that sense, they have the power to lengthen detention or impose segregation, so I think there are real issues about their independence. They should be chaired by an independent person.”

Participants thought that a more nuanced system is needed, perhaps with the ability to grade issues in terms of seriousness or their impact on human rights and respond accordingly. Participants agreed that there does not seem to be specific human rights expertise as standard on ICC panels, even when they may be dealing with important allegations of mistreatment or issues relating to prison conditions; in the case of disciplinary appeals, ICCs may also be making decisions that have implications for a person's liberty. One participant highlighted that ICC members should be given tailored training just as members of tribunals are.

Healthcare Complaints

The rate of ill-health and health inequalities amongst prisoners is higher than that of the general population, with many presenting with complex health needs including mental health and addiction related conditions.¹⁵⁴ Responsibility for healthcare in prisons transferred from the SPS to the NHS in 2011 and individual health boards are now responsible for delivering healthcare in prisons situated within their boundaries.¹⁵⁵ This means that complaints about prison healthcare follow the same process as complaints about healthcare for the general population. In the period following the initial transfer, there were a number of issues relating to prison healthcare complaints and SPSO found that health boards were failing to give prisoners the same access to complaints as the wider community, which resulted in a rise of healthcare complaints to SPSO at the time.¹⁵⁶

A new NHS Healthcare Complaints Handling Procedure¹⁵⁷ was introduced in Scotland on 1 April 2017, which was intended to be more person centred and promote continuous learning and improvement. It introduced a standardised five working day response rate for local resolution at stage 1 and a 20 working day response rate for complaint investigations at stage 2,¹⁵⁸ akin with other public bodies. A review one year on from its introduction found that the procedure for prison healthcare complaints had become more standardised.¹⁵⁹ SPSO is also the final stage for complaints handling for prison healthcare.¹⁶⁰

Accessing the healthcare complaints system

What we know

Similar to other types of complaint, there is a range of factors which contribute to prisoners being reluctant to make healthcare complaints. Barriers that exist for the general population when complaining about their healthcare include fear of repercussions for treatment, lack of knowledge about the complaints system or support available to access it and lack of confidence that anything would be done, also apply to the prison healthcare environment.¹⁶¹ Prisoners face additional barriers due to the nature of the closed environment and the particular health needs of the prison population.

As noted in the wider literature on complaints, literacy levels can be a barrier to accessing complaints processes. Written information about NHS complaints is provided to prisoners during their induction and efforts by the NHS to produce more easy-read and illustrative literature has been introduced over time¹⁶². In 2023-24, SPSO also updated their literature for prisoners about making a complaint about prison healthcare by providing a leaflet with step-by-step guidance.¹⁶³

Research carried out by Healthcare Improvement Scotland in 2017 reported that prisoners overall were more aware of the complaints system than the wider population, but they were still unclear about what support was available to them and lacked confidence that anything would be done.¹⁶⁴

Prison inspection reports over the past four years¹⁶⁵ have mostly rated healthcare complaints (standard 9.13) to be ‘satisfactory’ or ‘generally acceptable’¹⁶⁶, reporting some positive examples of NHS healthcare complaints being handled effectively, including:

- Healthcare complaints being managed in line with NHS complaints policy;¹⁶⁷
- There being a clear, transparent process for sharing feedback, comments and learning from complaints;¹⁶⁸
- Information about complaints being available/ well displayed/ accessible;¹⁶⁹
- Forms being available in languages other than English or alternative formats;¹⁷⁰
- Complaints being acknowledged and responded to within appropriate time frames;¹⁷¹
- Confidentiality protocols being met;¹⁷²
- Processes being in place for recording and responding to complaints;¹⁷³
- Staff dealing with complaints having completed relevant training or having access to online training;¹⁷⁴
- The existence of patient relations nurses.¹⁷⁵

However, inspection reports have also highlighted issues of concern such as there being no formal process for learning from complaints/ learning not routinely being shared,¹⁷⁶ complaint forms not being available in other languages or alternative formats,¹⁷⁷ timeframes not always being met,¹⁷⁸ lack of capacity to submit forms confidentially¹⁷⁹ and staff dealing with complaints not always being adequately trained.¹⁸⁰

Despite there being a separate health complaints procedure, SPS received 1,404 complaints that were categorised under the ‘medical’ theme between 2021 and 2024.¹⁸¹ According to SPS, most complaints under the ‘medical’ theme were related to medical care and therefore should have been dealt with through the NHS process.

Like elsewhere in the prison estate, a shortage in the number of healthcare staff can impact on the ability of prisons to respond to and meet prisoner health needs, slowing response times for prisoner requests, leading to an increase in a number of complaints. A 2017 Scottish

Parliament Inquiry into prison healthcare found that the way prisoners experienced healthcare was unsatisfactory, often linked to poor communication with prisoners around decision making and a failure to keep them informed about waiting times and progress for appointments or treatment.¹⁸² Gaps in health staffing have remained an issue since 2017, particularly in relation to mental health.¹⁸³

What participants told us

In comparison with the SPS complaints process, participants thought that prisoners tend to be more aware of the NHS complaints process as they would be made fully aware of this by healthcare staff and by literature in the healthcare centre in a prison. That said, participants highlighted frustration at the length of time between making an NHS complaint and receiving a response.

“However, they often seem to go into a black hole – there is a long time between making a complaint and getting a response.”

Another participant thought that the NHS process tends to be infuriating and complex and said that it is difficult to get any response from the NHS.

Pockets of good practice were identified, with one participant highlighting the role of the patient relations nurse in some prisons, with a specific role of managing feedback and issues with the quality of the service. The patient relations nurse would also hold groups to ask prisoners about the quality of the healthcare, and it was felt this process works well.

“Part of the reason they invested in that was because of the number of complaints. If you’ve got a prison without that patient relations nurse, people are trying to get on with the day jobs as well as dealing with complaints.”



There is a long time between making a complaint and getting a response.

Participants commented that, although there are pockets of good practice, experience varies greatly across different health boards.

While it is beyond the scope of this research to discuss the merits of health-related complaints, one participant commented that the lack of electronic prescribing in prisons can lead to various issues with medication, which in turn leads to complaints. The participant said that this has been a known national issue for some time and noted that work is being done to try to address this. Another issue raised by the same participant that they felt leads to a feeling of dissatisfaction and therefore complaints about healthcare is the fact that different prescribing protocols exist in different areas, meaning that if a prisoner transfers to a prison having been stable on a particular medication for some time, that medication could be stopped and substituted at the new establishment. The participant felt that the reasoning behind this could be communicated in a much better way, to help the prisoner understand why a decision had been taken.

Finally, on health, one participant raised the failures of the prison transport agency as a key issue that could have a detrimental impact on someone's health, and in turn their human rights. This was used as an example of an issue that is known about and should be addressed as a priority.

A prisoner transport complaint form is available for prisoners. However, in a thematic review of prisoner transport carried out by HMIPS in 2024, it was noted that while transport complaint forms were available at every site visited, they were mainly only available in prison reception and not to prisoners on the halls. It subsequently recommended that:

- 'Recommendation 23: The SPS should make transport provider complaints forms freely and anonymously available in the residential halls as well as reception and people in custody should be made aware of how to complain as part of their induction.
- Recommendation 24: The transport provider should immediately restore the full complaints service and develop ways to actively seek and respond to service user feedback on an ongoing basis. They should develop the current complaints process to invite regular feedback about the service as well as complaints.'¹⁸⁴

Access to independent advocacy and other support

What we know

Independent advocacy is another important resource for prisoners to access complaints mechanisms. Under the Mental Health (Care and Treatment) (Scotland) Act 2003,¹⁸⁵ anyone with mental illness, learning disability or dementia and related conditions has the right to independent advocacy.¹⁸⁶ The right to independent advocacy for those with a “mental disorder” (the term used in legislation) includes all people resident in Scotland, including people in Scottish prisons.

According to the Scottish Independent Advocacy Alliance:

“Independent advocacy is about speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual’s human rights are recognised, respected and secured.”¹⁸⁷

The Scottish Independent Advocacy Alliance has noted that despite the fact that many prisoners would likely qualify for independent advocacy on the grounds of mental health or learning disability, access to independent advocacy within prisons is fairly limited.¹⁸⁸

The Mental Welfare Commission carried out a review of access to independent advocacy in 2017, repeating the exercise in 2022. The review and the findings from Local Authorities confirm that advocacy organisations prioritise referrals for people who are being considered for care and treatment under mental health and incapacity legislation.¹⁸⁹ However, some advocacy organisations will provide advocacy to individuals in prison who are not in receipt of treatment for any mental disorder.¹⁹⁰

The way in which independent advocacy is funded and provided across different prisons appears to vary by local authority area, with different organisations responsible for providing advocacy in each region. For example, SPS fund advocacy provision for some prisons, while others are funded by the council or other Third sector funding, highlighting a lack of consistent funding framework around prison advocacy. Some organisations will therefore receive additional funding to work in prisons, while others are required to cover it under existing mental health funding.¹⁹¹ The Independent Advocacy Guide produced by the Scottish Government and NHS Scotland in 2013 states that Health Boards should include the need for prisoners within its scope,¹⁹² but the extent to which this is happening is unclear.

Unpublished research conducted by HMIPS confirmed that access to advocacy for prisoners can be patchy. Issues documented in relation to prisoner access to advocacy includes getting information about advocacy to prisoners, low rates of referrals from prisons, lack of understanding about the role of advocacy from prison staff and lack of a financial framework for prison advocacy.¹⁹³

Prison Inspection reports published since 2021 have revealed that on the whole Independent Prison Monitor services are well advertised within prisons, with information about IPMs displayed on notice boards¹⁹⁴ and the IMP number installed on prisoner mobile phones.¹⁹⁵ The overall rating for the majority of prisons for standard 5.8 (The system for allowing prisoners to see an Independent Prison Monitor works well) was either ‘generally acceptable’ or ‘satisfactory’. Despite this, some prisoners report that they are not always aware of the role of IPMs or how to contact them.¹⁹⁶

What participants told us

Participants told us that there are clear gaps in the provision of independent advocacy in prisons. There are a number of independent advocacy organisations who do work in prisons, and participants highlighted that some prisons have good advocacy provision; however, this varies greatly by area. One participant said that while some advocacy organisations have additional funding for the work they do in prisons, others have to provide this service within their existing funding. This is in a context where services are experiencing increased demand.

Participants also confirmed that access criteria vary across different advocacy services. While all will provide advocacy for those with a diagnosed mental health issue and/or learning disability as required by legislation, some projects will also cover individuals not in receipt of treatment for any mental disorder.

Some participants suggested that given the prevalence of mental health issues experienced by prisoners, provision of independent advocacy is much lower than it should be in prisons.

IPMs

On the role of IPMs more generally, IPMs were highlighted as people prisoners may try to seek assistance from, although some participants noted concerns with how the IPM system operates. One participant told us that awareness of what IPMs are among prisoners can be low.

“The 2015 legislation gave prisoners the right to ask for assistance from an IPM, but nobody knows about it.”

The same participant said that the IPM system was not well enough resourced for a significant increase in requests for assistance. They also said that IPMs could be much better trained, particularly on how to support complaints.

“I would be cautious about putting too much weight on IPMs without training...There’s a whole thing on training IPMs on how to support complaints.”

We were told that prisoners can become frustrated with the complaints system, and so they may also contact IPMs as an alternative way to complain, or to bypass the complaints process.

Participants also raised that, often, IPMs are confused with independent advocates. Although IPMs play a significant role in helping prisoners navigate the complaints processes, they are not trained independent advocates and some participants thought they were having to bridge a gap in advocacy provision, which is not appropriate.

“My understanding is that they aren’t trained advocates...They’re doing their best but they’re bridging a gap”.

Police Scotland

Some human rights issues, for example violence by prison staff, could legitimately be a police matter. We asked participants whether they thought prisoners were able to or felt able to contact the police and report matters. One participant noted that certain prisons – Addiewell being an example - does allow people to call the police to make complaints about treatment and conditions. However, participants thought there was a general perception among prisoners that this is something they cannot do.

The Scottish Public Services Ombudsman

What we know

As stated above, the SPSO is the final complaints handling body for complaints about public services in Scotland. This means that both complaints about the prison service and complaints about prison health care both fall within the remit of the SPSO.

One of the SPSO's responsibilities is to set and monitor complaints handling standards for the public sector in Scotland. These standards are published as the Model Complaints Handling Procedures (MCHP) and they define how the SPSO expect each public service sector to handle complaints "quickly and simply, with local and early resolution by empowered and well-trained staff."¹⁹⁷ The NHS adopted the MCHP on 1 April 2017. The NHS MCHP has not yet been revised since it was first published.

As the prison complaints process is set out in legislation (specifically the Prison Rules) the SPSO does not have a role in setting the complaints handling standards and processes of the SPS.¹⁹⁸ HMIPS has stated that it has concerns about the extent to which the SPS complaints system matches the best practice model articulated by the SPSO¹⁹⁹ and IPMs and HMIPS inspection reports²⁰⁰ have separately noted that the complaints system does not follow best practice as advised by the SPSO and should be reviewed as a matter of urgency.²⁰¹

The SPSO has stated that the current system is capable of delivering a rights-based approach, but there are barriers to implementation because of the complexity of complaints legislation. For example, the NHS and the SPS are subject to legislation which puts complaints handling on the face of their legislation, but has the effect of removing flexibility, "for example by requiring specific approaches that means advances and improvement in complaint handling practice cannot easily be applied universally".²⁰² The SPSO have stated that, although the NHS and SPS are technically subject to the SPSO regime, the Scottish Government retains responsibility for these sectors' complaints processes, meaning they cannot be adapted and developed in step with other procedures.²⁰³

The SPSO's current practice is that they do not routinely reference human rights in their decisions if they are not raised by the complainant or the body being complained of. This is because they generally consider the complaint as made to them.²⁰⁴ They can, however, use their maladministration test to decide whether or not human rights have been appropriately taken into account in a body's decision making. SPSO have previously stated they are supportive of proposed changes to their legislation under a future Human Rights Bill for Scotland reflecting that rights are relevant to their remit and are likewise supportive of being able to take own-initiative investigations in the public interest. The SPSO have also stated that

improvements should be made as how the SPSO can share information with other Commissions, scrutiny bodies and regulators, such as the Children and Young People's Commissioner for Scotland (CYPCS), SHRC or HMIPS.²⁰⁵

The 2023 report co-authored by the Human Rights Consortium and a number of human rights organisations, “Make Human Rights Justice a Reality”, highlighted that there is little evidence of people’s experience of accessing SPSO, nor the effectiveness of the SPSO process when they do. The report highlighted that SPSO does not consider systemic rights violations and “lacks teeth” as it can only make recommendations to public bodies that are non-binding. The report called for effective non-court routes to justice to ensure that all people have a straightforward route to seeking remedies whilst upholding their rights.²⁰⁶

What participants told us

Participants held mixed views on the effectiveness of the SPSO as an access to justice avenue. Some participants highlighted that they thought the SPSO would mainly consider how the complaint has been dealt with and not the substance of the actual complaint itself.

“[Referring to taking a case to SPSO] I wouldn’t encourage it. Let’s not lie to people about how effective it is.”

In contrast, another participant thought that the SPSO was providing effective challenge to the SPS, particularly on the conduct of ICCs.

There was, however, a general theme from participants that prisoners did not understand the role of the SPSO and were often under the impression they would be considering their complaint afresh as opposed to examining the process that had been followed by the SPS.

Access to advice and suitability of remedies

What we know

Across available literature, a number of structural access to justice issues can be identified which act as barriers to individuals and groups in pursuing justice for violations of their rights through the courts. Whilst a full discussion of those issues is beyond the scope of this report, they have been well articulated in the Human Rights Consortium Scotland's publications "Make Human Rights Justice a Reality"²⁰⁷ and their briefing calling for urgent civil legal aid reform,²⁰⁸ as well as in the SHRC's discussion paper "Access to Justice For Everyone".²⁰⁹ These barriers include the full range of rights not being incorporated into domestic law, a lack of awareness of rights and legal processes, lack of accessible information, affordability, complexity of the system, lack of enforceability, unfair timescales and emotional impact of routes to remedy.

One of the key barriers highlighted in both reports is that people often do not know their rights or how to claim them. A lack of information in accessible formats on human rights and legal processes to address rights violations means that awareness around potential routes to remedy may be very limited. Early legal advice to help people understand the different routes available and make informed decisions is essential but is often not available.²¹⁰ This is even more acute for prisoners, who have more limited access to information, advice and representation than those in the wider community due to the restrictions imposed by their environment. Legal advice is not always readily available to people in prison²¹¹ and while there are some advice agencies operating within prisons,²¹² these are not necessarily centred around routes to remedy. As outlined above, there are various additional factors which may mean that a person is reluctant to complain.

Citizens Advice Scotland is a national organisation supporting the Citizens Advice network in Scotland. Citizens Advice Bureaux (CAB) are local, independent charities that provide free, impartial and confidential information, advice and support across communities in Scotland. Data provided by Citizens Advice Scotland reveals that in 2023/24, the network supported 298 individual clients which were recorded as prisoners or prisoner family clients. Key areas in which advice was sought by these clients related to social security (65%), housing (39%), legal proceedings (20%), tax issues, particularly council tax (19%) and finance and charitable support (17%). Smaller numbers sought support on issues like utilities, relationships, NHS concerns/complaints, and immigration. Citizens Advice Bureaux report that social policy issues in relation to prison mainly revolve around the effects of extended periods of remand detention and the impact this has on housing, finances and social security entitlements. Other areas of concern are barriers to accessing justice and lack of transitional support when

leaving prison. Complaints regarding health treatment are also reported to be a recurring issue.

Some Citizens Advice Bureaux operate services or projects in particular prisons. For example, Parkhead CAB has run an outreach service for prisoners and their families in Barlinnie prison for over 18 years. The Barlinnie Project offers prisoners a one-to-one advice service on housing issues and handling the transition into and out of prison including dealing with debt, banks, phones and other subscriptions on entry to prison, as well as setting up benefits for release. Similar projects operate in other prisons, such as HMPs Addiewell and Dumfries, and formerly HMP Inverness. A lack of funding for these services often determines its availability.

For those wishing to pursue a judicial rather than an administrative route, there are also significant barriers. The primary judicial remedy for human rights violations in Scotland is called ‘judicial review’. Through this process, a decision, act, or failure to act, of a public body can be challenged in court. There are however a number of issues with the system of judicial review, which make it difficult to get justice through this process:

- Strict ‘standing’ rules – Under the Human Rights Act 1998 only ‘victims’ are eligible to bring a case before a court, meaning the burden of bringing a case on a systemic human rights issue is on an individual with lived experience of human rights infringements and there is limited scope for strategic public-interest litigation by NGOs.
- Strict timeline – Although in exceptional circumstances a court can exercise discretion to extend a time limit, there is a three-month time limit for judicial review, which does not fit neatly with non-judicial complaints mechanisms and limits options to seek redress, taking into account the time it takes to obtain legal advice and secure a specialist lawyer.
- Difficulty in obtaining Legal Aid for judicial review – Criteria for civil legal aid in Scotland are subject to a number of tests such as a means test, a capital test and a consideration of merits, and an overall decrease in legal aid funding leads to ‘advice deserts’, both geographical and within specialist areas of law.
- Unpredictable financial costs of going to court – There are significant cost barriers as a result of various fees payable for submitting applications to the court and for lodging documents at different stages of the court procedure, as well as for legal advice and representation.

In June 2023, the SHRC published a discussion paper titled “At a Crossroads: What Next for the Human Rights System in Scotland?”,²¹³ which highlighted the gaps in accountability and access to justice in human rights terms in Scotland. Unlike the National Human Rights Institutions in the other countries of the United Kingdom, the SHRC has limited powers to raise legal proceedings in its own name, nor on behalf of individuals, and cannot provide

advice to victims of human rights violations.²¹⁴ The SHRC believes that its mandate should be amended to enable it, amongst other functions and powers, to provide legal advice and raise legal proceedings in its own name across the full spectrum of human rights issues in Scotland.²¹⁵ This would introduce remedies which could result in systemic change, and ensure access to effective and appropriate remedies for human rights violations.

What participants told us

“A sense of hopelessness and powerlessness.”

Participants told us that many prisoners would not know where to turn to access legal support if they thought they had experienced a human rights violation.

One participant, a lawyer who specialises in prison law and human rights, told us that clients come to them through their reputation and through word of mouth. The same participant highlighted that some prisoners with knowledge of the complaints processes and the law are effectively acting as “quasi-lawyers” and filling the advice gap for other prisoners who need help pursuing a complaint. They also said they did not take on cases related to healthcare or medical treatment in prison as this required a different specialism. They told us they had a concern that there was a real advice desert for prisoners seeking to challenge issues around their healthcare.

Another participant told us that, even though most prisoners have or have at one point had a solicitor, they thought that most prisoners would not approach their solicitor with issues around treatment, conditions or complaints. The same participant agreed that many prisoners turn to other more informed prisoners for advice.

Participants did identify pockets of good practice, and highlighted, for example, the work that has been done by the Parkhead Citizens Advice Bureau.

“One of the things which CAB in Glasgow has done is a plain English version of the prison rules and they are training up prison rule champions in Barlinnie, so people know they have right to things like legal representation.”

A full discussion of the legal system and legal remedies was beyond the scope of this research; however, some participants discussed what they saw as wider systemic issues blocking access to justice for rights holders. Judicial review is the primary route to challenge human rights violations and participants told us that the strict time limit on taking a judicial review – 3 months – restricts access to justice and the right to an effective remedy.

One participant reflected that you cannot pursue judicial review and a complaint to the SPSO simultaneously, but due to the time it takes for SPSO to fully investigate a complaint, waiting for an SPSO decision will result in a person being unable to pursue a judicial review. This is something participants felt prisoners were unlikely to fully appreciate. It was noted that SPSO tell people to take legal advice immediately if they are considering taking court action, but participants acknowledged most people would not be aware of this as an option and would not know how to pursue it.

Another participant thought that a major weakness in the system was that legal challenges against SPS will only be raised if a prisoner decides to take one.

“There is no effective legal challenge that doesn’t rely on individuals themselves.”

The same point was made by a participant who is a lawyer specialising in human rights. They told us it is very difficult to raise a strategic case in Scotland, and that our court system is not designed to have impact more broadly than on individual cases.

There is no effective legal
challenge that doesn’t rely
on individuals themselves.

”

Visitor / family complaints

What we know

Visitor complaints are addressed in some prison inspection reports²¹⁶ and the category of visits to prisoners form quite a high number of yearly complaints to SPS²¹⁷ by prisoners themselves. However, there is little research on visitor complaints. Families Outside, noting the high number of children affected by parental imprisonment in Scotland each year²¹⁸ and the struggle to raise cases in court due to capacity and financial barriers, has called for the development of a Child Friendly Complaints mechanism, identifying that access to increased advocacy and financial support is needed.²¹⁹

What participants told us

“Families fear repercussions for their relative in prison when complaining. I can’t tell them for sure that there will be no negative consequences for the person in prison if they raise something. Once there’s a complaint, it’s out of my hands.”

Participants highlighted that there are different ways families of people in prison could complain. The main way to complain would be to use the complaint form provided in prisons when people visit. Other families have taken action such as writing directly to the Governor, contacting their MSP or the Scottish Ministers. Families could also complain to SPSO if they felt their complaint had not been dealt with properly by the SPS.

Overall, participants thought families would more than likely try to resolve things informally. Two participants in particular said they felt families may avoid formal complaints out of fear of repercussions for their loved one in prison.

On their interactions with the prison, one participant said that there is a tendency to treat families as a “nuisance” and that families can feel “brushed off”. Participants said that communication with families is largely done in writing through letters, with little opportunity to meet with someone and discuss the issues. We were also told that the family complaint form is provided in person at the prison, which is not accessible to people who cannot physically visit. Requesting a complaint form also causes some family members anxiety.

Conclusion

The problems with the complaints systems in Scottish prisons have been understood and articulated for years. The complaints system is, in our view, lacking and is not an effective way of ensuring human rights harms are put right.

Much like our recent report, “Review...Recommend...Repeat”, this report draws together existing information and grounds it in the applicable human rights framework.²²⁰ We have used the CPT’s five basic principles that all prison complaints processes should comply with as a way to group and present our findings.

These five basic principles are that complaints systems must be available, accessible, confidential, effective and traceable.



Available and accessible

While there is undoubtedly an available prison complaints system in Scotland, the CPT standards make clear that a person’s family or next of kin should be able to act on behalf of the person in prison with their consent. We have found that families report feeling “brushed off” and they can also fear negative repercussions for the person in prison if they complain.

The SPS complaints system in current form is not accessible. It is largely paper based and requires a person to be able to communicate their complaint in writing. A truly accessible system would ensure that people with particular needs, such as people with certain physical disabilities or those with learning disabilities or difficulties, would be able to access and navigate the complaints system with ease.

An accessible system would also provide adequate support and advice for people to submit complaints. Independent advocacy in Scotland’s prisons is inconsistent, and it is clear there is much unmet need. Related to this, it appears difficult to access independent advice (including legal advice) and information in prison, including on how to complain. There are clear examples of good practice which could and should be replicated across the prison estate.



Confidential

The CPT states that “direct and confidential access” to complaints bodies should be secured and the basic principles reference the installation of locked boxes in appropriate locations accessible only to specific staff members. The CPT is clear that staff who have people deprived of their liberty directly in their charge should not be in a position to filter complaints.

It is clear that the SPS system as a whole is not confidential and there are points at which staff in direct charge of prisoners are involved in the system. Some prisoners fear that complaining will worsen their situation or lead to some form of reprisal. Linked to fear is a general mistrust in the system, or lack of confidence that making a complaint will lead to improved outcomes.



Effective

The CPT standards make clear that alongside processing complaints promptly, thoroughly and expeditiously, complaints mechanisms should contribute to preventing further rights violations.

In Scotland’s prisons, there not does appear to be an effective system for triaging complaints in a way that prioritises more serious complaints where there is a risk of human rights violations having occurred. Moreover, those considering complaints do not do so with a consistent knowledge of the human rights that may be engaged.

When we look more widely at Scotland’s access to justice system, there are a number of barriers for those wishing to pursue court remedies for human rights violations in prison. Those include, but are not limited to, rules on standing, lack of access to specialist legal advice, and an inadequate legal aid system.



Traceable

Finally, prison complaints must be traceable, and establishments should keep clear records of complaints. In Scotland's prisons, there is no traceable system in place to allow prisoners to monitor the status of their complaints and nor is there a transparent system which allows prisoners to understand the types of complaints being received in their establishments and the corresponding action being taken to address these points.

The CPT standards state that complaints records, which should include an account of the full complaint process and any follow up action, serve as a vital management information helping to identify systemic issues. More widely, the CPT recommends a national system for compiling statistics on prison complaints. If data is gathered correctly and is appropriately analysed, it is possible to identify trends and in turn strengthen the accountability of the prison service, ultimately improving the conditions of those living in our prisons.

Finally, although we acknowledge that confidentiality must be respected, more could and should be done to publish publicly available, transparent and appropriately disaggregated data on SPS complaints. The current approach makes it very difficult to interrogate prison complaints and to hold duty bearers to account.

What is next

We will share this report and the guide *Your Rights Under the Scottish Prison Rules* with the Scottish Government, the Scottish Prison Service and other key stakeholders such as HMIPS, SPSO, Healthcare Improvement Scotland and those advising and advocating for prisoners and their families.²²¹ We are committed to follow up work to ensure our concerns are acknowledged and acted upon.

We will also share our findings with relevant Committees of the Scottish Parliament, including the Criminal Justice Committee and the Equalities, Human Rights and Civil Justice Committee.

We will distribute this report among our own domestic and international human rights networks, including through our membership of the NPM and to bodies such as the CPT.

Finally, we will reflect our findings in our future international treaty monitoring and reporting work, for example in relation to the upcoming review of the UK's compliance with Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



Annex A: Human rights standards relevant to prison complaints

International Treaties by which the UK is legally bound:

- European Convention on Human Rights and caselaw of the European Court of Human Rights – ECHR and ECtHR
- International Covenant on Civil and Political Rights - ICCPR
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - CAT
- UN Convention on the Elimination of All Forms of Discrimination Against Women - CEDAW
- UN Convention on the Rights of Persons with Disabilities - CRPD
- International Convention on the Elimination of All Forms of Racial Discrimination – CERD
- UN Convention on the Rights of the Child - UNCRC
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment — CPT

Other guidance from international human rights bodies:

- Council of Europe, Recommendation Rec [2006] of the Committee of Ministers to member states on the European Prison Rules - European Prison Rules
- UN Standard Minimum Rules of the Treatment of Prisoners - Nelson Mandela Rules
- UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders - Bangkok Rules
- UN Standard Minimum Rules for the Administration of Juvenile Justice - Beijing Rules
- UN Rules for the Protection of Juveniles Deprived of their Liberty- Havana Rules
- UN Basic Principles for the Treatment of Prisoners
- UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by General Assembly Resolution 60/147 (2005)
- UN Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment (1988)

Annex B: Other monitoring bodies

There are a number of other bodies which do not form part of the formal complaints process but play an important monitoring and oversight role in what happens in prisons and other places of detention.

HMIPS

His Majesty's Chief Inspectorate of Prisons for Scotland (HMIPS) has responsibility for inspecting all of Scotland's 17 prisons to establish the treatment of, and conditions for, prisoners and to report publicly on findings.²²² It also monitors the conditions and treatment of prisoners under escort and has overall responsibility for prison monitoring carried out by Independent Prison Monitors.²²³

HMIPS publishes inspection and monitoring reports for individual prisons, as well as thematic reports²²⁴ across a range of areas of concern.

Although prisoners cannot complain directly to HMIPS, it considers the way complaints are managed by the Scottish Prison Service and the NHS under Standard 5 of the Prison Inspection standards,²²⁵ which is concerned with 'Respect, Autonomy and Protection Against Mistreatment'²²⁶ and Standard 9 which is about health wellbeing. Healthcare Improvement Scotland works with HMIPS to manage the healthcare element of inspections of prisons.

NPM

The UK National Preventive Mechanism (NPM) has a duty to regularly monitor the treatment of detainees and the conditions in which they are held, focusing attention on practices in detention that could amount to ill-treatment.²²⁷ It was established following the UK's ratification of the Optional Protocol to the UN Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment ("OPCAT") and is made up of 21 bodies. Scottish members include HMIPS, the Mental Welfare Commission for Scotland, the Care Inspectorate, Independent Custody Visitors Scotland, HM Inspectorate of Constabulary for Scotland and the Scottish Human Rights Commission.²²⁸

Monitoring is conducted according to each of the members' respective functions and mandates, but the NPM can work collectively to look at key issues of concern. In Scotland, the NPM Scottish subgroup has published reports on progress made in Scottish prisons against treaty body recommendations.²²⁹

CPT

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) is an independent monitoring body of the Council of Europe, which visits places of detention in member states to see how persons deprived of their liberty are treated.²³⁰ It has unlimited access to places of detention and can move around unrestricted. Visits can be planned as part of a periodic cycle, or unannounced (‘ad hoc’) if the Committee considers that a situation is serious and needs to be monitored.²³¹ The CPT visited Scotland in October 2018 and subsequently carried out an ad hoc visit in October 2019 to follow up on key issues of concern raised from their 2018 visit.²³² The CPT also carried out an ad-hoc visit to Scotland in June 2025.²³³

Although the CPT cannot process individual complaints from prisoners or intervene in legal proceedings, it does interview prisoners in private during its country visits and can receive allegations of ill-treatment and raise individual cases with authorities (with permission of the individual). Its primary function however is preventive rather than investigative.

SPT

The UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) is an international treaty body also established under OPCAT which can visit places of detention in state parties and make recommendations on action required to improve the treatment of detainees.²³⁴ Similar to the CPT, it has unrestricted access to places of detention and can meet with anyone who can provide relevant information on conditions of detention. It can also undertake follow up visits to ascertain whether recommendations have been implemented.

The SPT carried out its first visit to the UK in 2019, but it only visited detention centres and police custody units in Scotland.

The SPT also performs an advisory function such as providing assistance and training to states and NPMs.

Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) is the equality regulator for Great Britain. It is responsible for enforcing the Equality Act 2010 and for challenging discrimination and protecting people’s rights. The EHRC is also a National Human Rights Institution, with a mandate that covers human rights issues in England and Wales.

In a limited number of cases, in line with the EHRC's litigation and enforcement policy, the EHRC can assist solicitors and individuals in bringing discrimination cases which meet the EHRC's strategic priorities. The EHRC can intervene to provide legal and policy guidance to courts in existing proceedings where they have either discrimination or human rights claims or both. It undertakes these interventions on a strategic basis.

Scottish Human Rights Commission

The Scottish Human Rights Commission is Scotland's National Human Rights Institution, created by the Scottish Commission for Human Rights Act 2006 to protect and promote the human rights of all people in Scotland. More about the work of the SHRC is set out in the introduction.²³⁵

While the SHRC does not have a direct role in prisons, it has specific powers to enter, inspect and conduct interviews in Scottish places of detention for the purposes of conducting a formal inquiry under its founding legislation. SHRC has previously worked with HMIPS to support a human rights based approach to prison inspections²³⁶ and co-chaired the Independent Review of the Response to Deaths in Prison Custody (2021).²³⁷ The SHRC is also a member of the UK National Preventive Mechanism (NPM) Scotland Sub-Committee, which works with other bodies to highlight issues of concern in places of detention.

Mental Welfare Commission for Scotland

The Mental Welfare Commission ("MWC")²³⁸ protects and promotes the human rights of people with mental illness, learning disabilities, dementia and other related conditions. It plays a key role in monitoring the Mental Health (Care and Treatment) (Scotland) Act 2003 and the welfare element of Adults with Incapacity (Scotland) Act 2000. As part of this, it carries out monitoring visits to places where people are being treated, including prisons. It can also carry out investigations where someone with mental illness or learning disability is not getting the right care and treatment.

The MWC is a member of the NPM and is working on actions to improve access to treatment for mental health conditions in prisons.²³⁹ It can visit mental health services within prisons and has published reports on mental health provision within prisons in Scotland.²⁴⁰

Endnotes

¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2018) 'Complaints Mechanisms'. Extract from the 27th General Report of the CPT,

² See Scottish Prison Service (2025), Your Rights Under the Scottish Prison Rules

³ See Scottish Prison Service (2025), Your Rights Under the Scottish Prison Rules

⁴ See the Commission's Spotlight Project on Absolute Rights in Places of Detention

⁵ See Scottish Human Rights Commission (June 2023) 'At a Crossroads – which way now for the human rights system in Scotland?'; Scottish Human Rights Commission (October 2023) 'A stronger human rights Commission for Scotland',

⁶ For a full account of the right to an effective remedy as protected by the ECHR, see ECtHR, 'Guide on Article 13 of the European Convention on Human Rights' (31 August 2022),

⁷ Article 2 ICCPR: International Covenant on Civil and Political Rights | OHCHR

⁸ Article 6 CERD: International Convention on the Elimination of All Forms of Racial Discrimination | OHCHR

⁹ Article 39 CRC: Convention on the Rights of the Child | OHCHR

¹⁰ Article 14 CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR

¹¹ UN Committee on Economic, Social and Cultural Rights (3 December 1998), '[General Comment No.9: The domestic application of the Covenant](#)' para 9

¹² For further discussion of the AATE framework see the Commission's paper "[Adequate and Effective Remedies for Economic, Social and Cultural Rights: Background briefing paper for the National Taskforce on Human Rights Leadership](#)", December 2020.

¹³ For example, see [European Committee for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment \(2017\). 27th Report of the CPT. Council of Europe](#)

¹⁴ For example, see:

- Article 10 of ICCPR: [International Covenant on Civil and Political Rights | OHCHR](#)
- Article 37 of CRC: [Convention on the Rights of the Child | OHCHR](#)
- Articles 14-16 of CRPD: [Convention on the Rights of Persons with Disabilities | OHCHR](#)
- Articles 10-14 of CAT: [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#)

¹⁵ For example, see:

- ICCPR General Comment No. 21 on Humane Treatment of persons deprived of their liberty: [CCPR General Comment No. 21: Article 10 \(Humane Treatment of Persons Deprived of Their Liberty\) | Refworld](#)
- ICCPR General Comment No. 20 on Prohibition of torture, cruel and other degrading treatment or punishment: [CCPR General Comment No. 20: Article 7 \(Prohibition of](#)

Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) | Refworld

- CRC General Comment No. 24 on children's rights in the justice system: General comment No. 24 (2019) on children's rights in the child justice system | OHCHR
- CAT General Comment No. 2 on the implementation of article 2 by state parties

¹⁶ For example, see:

- UN Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): The United Nations Standard Minimum Rules for the Treatment of Prisoners (unodc.org)
- The European Prison Rules
- The UN Rules for the treatment of women prisoners (the Bangkok Rules): United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) | OHCHR
- UN Standard Minimum Rules for the administration of juvenile justice (the Beijing Rules): United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) | OHCHR
- The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR

¹⁷ Van Der Rijst, P. and Jacobs, P. (2022). The Dutch Complaint Procedure: A “Picture-Perfect” Procedure? In Utrecht Law Review, Volume 18, Issue 1

¹⁸ For example, see: Prison and Young Offenders Institutes (Scotland) Rules 2011 and HMIPS Inspection and Monitoring Standards

¹⁹ Rule 56.1 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 70.1 of the European Prison Rules, Principle 33.1 of the Body of principles for the protection of all persons under any form of detention or imprisonment.

²⁰ Rules 54-55 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 70.4 of the European Prison Rules; Section A.1.1.a of **Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice**.

²¹ Rule 56 of the Nelson Mandela Rules, Principle 33.1 of the Body of principles for the protection of all persons under any form of detention or imprisonment, Rule 75-76 of United Nations rules for the protection of juveniles deprived of their liberty, Rule 70.1 of the European Prison Rules.

²² Rule 56.4 of the Nelson Mandela Rules; Principle 33.1 of the Body of principles for the protection of all persons under any form of detention or imprisonment; Rule 78 of United Nations rules for the protection of juveniles deprived of their liberty; Rule 70.10 and Rule 70.12 of the European Prison Rules

²³ Rule 57.1 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 70.6 of the European Prison Rules; Principle 33.4 of the Body of principles for the protection of all persons under any form of detention or imprisonment.

²⁴ Rule 25 of United Nations Rules for the Treatment of Women Prisoners and Non - custodial Measures for Women Offenders (the Bangkok Rules); Rules 70.8- 70.9 and 70.13 of the European Prison Rules; Principle 33.3 of the Body of principles for the protection of all persons under any form of detention or imprisonment.

²⁵ Rule 70.7 of the European Prison Rules

²⁶ Rule 57.3 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Principles 33.3-33.4 of the Body of principles for the protection of all persons under any form of detention or imprisonment; Rule 25 of United Nations Rules for the Treatment of Women Prisoners and Non - custodial Measures for Women Offenders (the Bangkok Rules); Rule 70.5 of the European Prison Rules.

²⁷ Rule 71.1 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Principle 34 of the Body of principles for the protection of all persons under any form of detention or imprisonment, Rule I of the UN Rules for the Protection of Juveniles Deprived of their Liberty.

²⁸ The Committee on the Rights of the Child in its Concluding Observations from its review of the United Kingdom in 2023, recommended that all children should have access to confidential, child-friendly and independent complaints mechanisms in a range of settings, including detention, and that the state should raise awareness among children of their right to file a complaint under existing mechanisms. See: [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

²⁹ Rule 8(d) of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Commentary on Rule 70 European Prison Rules Rec(2006)2 of the Committee of Ministers to member states.

³⁰ Complaints Mechanisms: Extract from the 27th General Report of the CPT, published in 2018. European Committee for the Prevention of Torture

³¹ Van Der Rijst, P. and Jacobs, P. (2022). The Dutch Complaint Procedure: A “Picture-Perfect” Procedure? In Utrecht Law Review, Volume 18, Issue 1.

³² See “Guide on the case-law of the European Convention on Human Rights: Prisoners’ rights”, European Court of Human Rights, updated 28 February 2025.

³³ Rule 22.4 European Prison Rules.

³⁴ Rule 22.2 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 22.5 European Prison Rules.

³⁵ Rule 22.1 European Prison Rules.

³⁶ Rule 23.1 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 27.1 European Prison Rules.

³⁷ Rule 27.2 European Prison Rules.

³⁸ Rule 23.2 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 27.4 European Prison Rules.

³⁹ Rule 27.5 European Prison Rules.

⁴⁰ Rule 23.2 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁴¹ Article 12 ICESCR, UN Committee on Economic, Social and Cultural Rights, 'General Comment No.14: The Right to the Highest Attainable Standard of Health' (11 August 2000) para 34, Rule 24.1 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁴² Rule 25.2 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁴³ Rule 59 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁴⁴ Rule 24.4 European Prison Rules.

⁴⁵ Rule 43.3 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

⁴⁶ Rule 28 Bangkok Rules.

⁴⁷ Rule 24.2 European Prison Rules.

⁴⁸ Rule 15 European Prison Rules.

⁴⁹ See:

- Scottish Government (4 Dec 2024). [Scottish Prison Population Statistics 2023-24](#)

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- SPS (2025) Data, Research and Evidence: Prison population Figures, updated 24 January 2025

⁵⁰ For example, see:

- UN Committee Against Torture (June 2019) 'CAT/C/GBR/CO/6: Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland'
- UN Committee on the Rights of the Child (July 2016) 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland: CRC/C/GBR/CO/5',
- UN Human Rights Council (Jan 2023). Report of the Working Group on the Universal Periodic Review* United Kingdom of Great Britain and Northern Ireland: A/HRC/52/10'
- CPT visit reports from 2018 and 2019 (see all reports on UK at: The CPT and the United Kingdom - CPT)
- Report on the Commission Women Offenders 2012, available at: NRS Web Continuity Service
- Scottish Parliament Justice Committee (26 November 2019) 'Secure care and prison places for children and young people in Scotland: SP Paper 628 22nd Report, 2019 (Session 5)',

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- Independent Review into the Delivery of Forensic Mental Health Services (Feb 2021) 'Final Report of Independent Review into the Delivery of Forensic Mental Health Services: What we think should happen'

⁵¹ For example, see:

- UN Committee on the Elimination of Discrimination against Women (2019) 'CEDAW/C/GBR/CO/8: Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland - Advance unedited version'
- UN Committee Against Torture (June 2019) 'CAT/C/GBR/CO/6: Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland',
- 'Commission on Women Offenders (2012) 'Final Report'
- APT (2024) 'Global Report on Women in Prison: Analysis from National Preventive Mechanisms,

⁵² For example, see:

- UN Committee on the Rights of the Child (2023) 'Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland': Committee on the Rights of the Child: CRC/C/GBR/CO/6-7'
- Independent Care Review (2020) 'The Promise',
- HMIPS (2022) HM Chief Inspector of Prisons for Scotland: Annual Report 2021-22

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- Scottish Government (2021) '[A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities – Action Plan 2021-2022](#)'

⁵³ For example see: Scottish Human Rights Commissions (Feb 2024) '[Parallel Report to the United Nations Human Rights Committee on the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights \(ICCPR\)](#)',

⁵⁴ For example, see:

- Bail and Release from Custody (Scotland) Act 2023 [Bail and Release from Custody \(Scotland\) Act 2023](#)
- Prisoners (Early Release) (Scotland) Act 2025, <https://www.legislation.gov.uk/asp/2025/1/contents/enacted>
- Scottish Government (July 2024) '[Prison population: Position Paper](#)'
- Women: SPS (2021) [Strategy for Women in Custody: 2021-2025](#)
- Children: The Children (Care and Justice)(Scotland) Act was passed on 4 June 2024, which made changes to the way children under the age of 18 are treated in the criminal justice system. It raises the maximum age of referral to the Principal Reporter to 18 and ensures under 18s should no longer be held in prisons or Young Offenders Institutions. For more information see [Children \(Care and Justice\) \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website, Children \(Care and Justice\) \(Scotland\) Act 2024](#) and [Justice for children and young people: vision and priorities 2024-26](#)

⁵⁵ For example, see:

- HMIPS (2023) [HM Chief Inspector's Annual Report 2022-23 | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)
- HMIPS (2024)' [NATIONAL INDEPENDENT PRISON MONITORS \(IPM\) MID YEAR - REPORT: April-Sept 2025](#),

⁵⁶ [Prisons | Scottish Prison Service](#)

⁵⁷ Scottish Prison Service (2025) Prison Population Figures- Updated 3rd Jan 2025, available at: [Data, Research and Evidence | Scottish Prison Service](#)

⁵⁸ See:

- Scottish Government (May 2024) '[Scotland's prison population: Justice Secretary statement: Statement delivered to the Scottish Parliament by Cabinet Secretary for Justice and Home Affairs Angela Constance on Thursday 16 May 2024](#)'
- Scottish Government (June 2024) '[Scottish Prison Population Projections: June 2024 Edition](#)'

⁵⁹ Scottish Government (July 2024) '[Prison population: Position Paper](#)',

⁶⁰ The number of women in prison was 329 on 3rd January 2025- see: Scottish Prison Service (2025) '[Prison Population Figures- Updated 3rd Jan 2025](#)'

⁶¹ SPS and Scottish Government (2023) 'Scottish Prison Population Statistics 2022-23: A National Statistics Publication for Scotland', available at: [Scottish Prison Population Statistics](#)

⁶² See:

- Scottish Prison Service (2025) 'Prison Population Figures- Updated 3rd Jan 2025'
- SPS and Scottish Government (2023) 'Scottish Prison Population Statistics 2022-23: A National Statistics Publication for Scotland'

⁶³ Nolan, D. (June 2024) 'Children (Care and Justice) (Scotland) Act 2024: Info sheet 116'. CYCJ,

⁶⁴ SPS and Scottish Government (2023) 'Scottish Prison Population Statistics 2022-23: A National Statistics Publication for Scotland'

⁶⁵ Scottish Government (4 Dec 2024) 'Scottish Prison Population Statistics 2023-24'

⁶⁶ The Prisons and Young Offenders Institutions (Scotland) Rules 2011

⁶⁷ Scottish Prison Rules (Complaints) Direction 2022

⁶⁸ The Scottish Public Health Observatory. 'Population Groups- Prisoners- Policy Context- Scotland'. See: Policy context - ScotPHO

⁶⁹ Scottish Government and SPSO (Jan 2021) 'The NHS Scotland Complaints Handling Procedure'

⁷⁰ Extensions to timelines can be granted in exceptional circumstances. See:

- Scottish Government and SPSO (Jan 2021) 'The NHS Scotland Complaints Handling Procedure'

⁷¹ Health- related prisoner complaints to SPSO are not recorded under prison figures, but come under complaints for the healthcare sector in general.

⁷² Scottish Public Services Ombudsman Act 2002

⁷³ The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (legislation.gov.uk). See also: Behan, C.M. and Kirkham, R. (2016) Monitoring, Inspection and Complaints Adjudication in Prison: The Limits of Prison Accountability Frameworks. *The Howard Journal of Crime and Justice*. Available at: Monitoring, Inspection and Complaints Adjudication in Prison: The Limits of Prison Accountability Frameworks (core.ac.uk).

⁷⁴ Since the introduction of in-cell telephony, many prisoners now have the IMP number included on their mobile phones. See prison inspection reports available at: Publications | HMIPS

⁷⁵ HMIPS. ‘Independent Prison Monitoring For Scotland Guidance Document’

⁷⁶ Banwell-Moore, R. and Tomczak, P (2022), Complaints: Mechanism for Prisoner Participation? In European Journal of Criminology, volume 20, issue 6.

⁷⁷ We reviewed all the full inspection reports that have been published between 2021 and January 2025. In-person prison inspections were suspended for a period during the Covid-19 pandemic (see HM Chief Inspectors Annual Report 2021-22) so we have looked only at reports that have been published since inspections resumed. It was deemed that any reports pre-pandemic may be out of date and not present the current picture. All reports are available on the HMIPS website. We also looked at IPM annual monitoring reports for 2023-24, all of which are also available on the HMIPS website.

⁷⁸ For example the Council of Europe Committee for the Prevention of Torture (the CPT), the UN Sub-Committee for the Prevention of Torture (the SPT), the Human Rights Committee, the Committee Against Torture etc.

⁷⁹ For example, see:

- Complaints Handling in Prisons (2022) Prison and Probations Ombudsman
- Banwell-Moore, R. and Tomczak, P (2022), Complaints: Mechanism for Prisoner Participation? In *European Journal of Criminology*, volume 20, issue 6.

⁸⁰ Van der Valk, S. and Rogan, M. (2023) Complaining in Prison: ‘I suppose it’s a good idea but is there any point in it?’ in Prison Service Journal, Issue 264

⁸¹ Van Der Rijst, P. and Jacobs, P. (2022). The Dutch Complaint Procedure: A “Picture-Perfect” Procedure? In *Utrecht Law Review*, Volume 18, Issue 1.

⁸² There were 12020 total complaints in 2021-22, 11,020 complaints in 2022-23 and 9524 complaints in 2023-24. This is based on data provided by SPS to SHRC.

⁸³ Scottish Government (Dec 2024). ‘Scottish Prison Population Statistics 2023-24’

⁸⁴ There were 1,851 complaints about property in 2021-22, 1,772 complaints in 2022-23 and 1,354 complaints in 2023-24. This is based on data provided by SPS to SHRC.

⁸⁵ There were 1,084 complaints about staff in 2021-22, 988 complaints in 2022-23 and 1,035 complaints in 2023-24. This is based on data provided by SPS to SHRC.

⁸⁶ There were 680 complaints about prison environment in 2021-22, 684 complaints in 2022-23 and 653 complaints in 2023-24. This is based on data provided by SPS to SHRC.

⁸⁷ This is based on data provided by SPS to SHRC.

⁸⁸ SPSO (2023) 'SPSO Annual Report and Financial Statements 2022-23'

⁸⁹ SPSO (2024) Annual Report and Financial Statements 2023- 24

⁹⁰ SPSO (2024) Annual Report and Financial Statements 2023- 24

⁹¹ See the 'Decision Reports' section of the SPSO website,

⁹² CPT (2019) Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 25 Oct 2018. CPT/Inf (2019) 29

⁹³ CPT (2020) 'Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 18 October 2019. CPT/Inf (2020) 28'.

⁹⁴ Committee Against Turture (2019) 'CAT/C/GBR/CO/6: Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland'.

⁹⁵ Committee on the Rights of the Child (2023) 'Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland: CRC/C/GBR/CO/6-7'

⁹⁶ HMIPS (2023) 'HMIPS National Mid-Year Independent Prison Monitoring Report, April-September 2023'.

⁹⁷ For example see [full inspections reports for HMPs Greenock, Addiewell, Low Moss, Grampian, Polmont and Perth](#)

⁹⁸ For example see [full inspections reports for HMPs Inverness, Castle Huntley, Schotts, Kilmarnock and Stirling](#)

⁹⁹ HMIPS (2023) [Full Inspection Report for HMP Edinburgh 6-10 November 2023](#),

¹⁰⁰ For example, see [full inspection reports for HPMs Greenock, Addiewell, Castle Huntley and Schotts](#)

¹⁰¹ HMIPS (2024). [HM Chief Inspector's Annual Report 2023-24](#)

¹⁰² [Prisons and Probation Ombudsman \(Feb 2022\) Complaints Handling in Prisons](#),

¹⁰³ Gormely, C (2019) [‘The Prison Experience of people with Learning Disabilities’ in ECAN Bulletin, Issue 41, April 2019. Howard League for Penal Reform](#),

¹⁰⁴ See for example:

- Bryan, K. (2021). [‘Adults in the Prison Population’](#). In: Cummings, L. (eds) *Handbook of Pragmatic Language Disorders*. Springer, Cham.
- Nolan, D. (2018) [‘Speech, Language and Communication Needs \(SLCN\) in Youth Justice: Understanding and addressing the impact’](#)
- Morken, F.; Jones, L.Ø.; Helland, W.A. [‘Disorders of Language and Literacy in the Prison Population: A Scoping Review’](#). Educ. Sci. 2021, 11, 77.

¹⁰⁵ For example, see:

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- Scottish Government (2022) '[Understanding the Mental Health Needs of Scotland's Prison Population](#)'.
 - Perry, B., Griffin, G., Davis, G., Perry, J., & Perry, R. (2018). 'The impact of neglect, trauma and maltreatment on neurodevelopment: Implications for juvenile justice practice, programs, and policy'. In A.R Beech, A.J. Carter, R.E. Mann and P. Rotshtein (Eds.), [The Wiley Blackwell Handbook of Forensic Neuroscience, First Edition, Volume 2](#), (pp. 815-835). John Wiley & Sons Ltd.
 - Sheahan, F. Hughes, N. Williams, H. & Chitsabesan, P. (2021). '[Dismantling barriers to justice for children affected by neurodisability](#)'. In G.T. Lansdell, B.J. Saunders & A. Eriksson (Eds.), *Neurodisability and the Criminal Justice System, Comparative and Therapeutic Responses* (pp.72 – 90). Edward Elgar Publishing Limited.

¹⁰⁶ See for example:

- Scottish Parliament Health and Sports Committee (2017). '[Healthcare in Prisons](#)'. [Published 10 May 2017 SP Paper 135 5th report](#) (Session 5).
- Scottish Government (2022) '[Understanding the Physical Health Care Needs of Scotland's Prison Population](#)'.
- Williams, W. H., Mewse, A. J., Tonks, J., Mills, S., Burgess, C. N. W., & Cordan, G. (2010). 'Traumatic brain injury in a prison population: Prevalence and risk for re-offending'. *Brain Injury*, 24(10), 1184–1188.
- McMillan, T., Aslam, H., Crowe, E., Seddon, E. & Barry, S.J.E. (2021). 'Associations between significant head injury and persisting disability and violent crime in women in prison in Scotland, UK: a cross-sectional study'. *Lancet Psychiatry* 2021; 8: 512–20.

¹⁰⁷ For example, see [full inspection reports for HMPs Greenock, Addiewell, Dumfries and Grampian](#)

¹⁰⁸ For example, See [full inspection reports for HMPs Edinburgh, Schotts, Low Moss. Inverness and Grampian](#)

¹⁰⁹ For example, see [full inspection reports for HMP Grampian](#)

¹¹⁰ See SPS (2017) '[Scottish Prison Service Equality Outcomes 2017-2020](#)',

¹¹¹ For example, [see inspection reports for HMPs Perth, Dumfries and Polmont](#)

¹¹² For example, see [inspection report for HMP Dumfries](#) and the [IMP Monitoring report for HMP Barlinnie](#)

¹¹³ For example, see:

- Behan, C.M. and Kirkham, R. (2016) '[Monitoring, Inspection and Complaints Adjudication in Prison: The Limits of Prison Accountability Frameworks](#)'. *The Howard Journal of Crime and Justice*.
- Prisons and Probation Ombudsman (Feb 2022) '[Complaints Handling in Prisons](#)'

¹¹⁴ For example, see :

- [Full Inspection Report of HMP Castle Huntley, June 2022](#)
- [Full Inspection Report of HMP Addiewell, Nov 2022](#)
- HIMPS (2024) '[Independent Prison Monitoring \(IPM\) Findings Annual Report for HMP Edinburgh, 2023-24](#)'

¹¹⁵ For example see [Full Inspection Report of HMP Castle Huntley, June 2022](#)

¹¹⁶ For example see [Full Inspection Reports of HMPs Addiewell and Edinburgh](#),

¹¹⁷ For example see [Full Inspection Report of HMP Castle Huntley, June 2022](#)

¹¹⁸ For example, see [IMP annual monitoring reports 2023-24 for HPMs Addiewell, Barlinnie, Edinburgh and Kilmarnock](#) ; See also [HMIPS Full inspections reports for HMPs Addiewell, Castle Huntley, Greenock, Schotts, Low Moss, Edinburgh, Grampion and Perth](#)

¹¹⁹ Banwell-Moore, R. and Tomczak, P (2022), '[Complaints: Mechanism for Prisoner Participation?](#)' In *European Journal of Criminology*, volume 20, issue 6.

¹²⁰ UK Network on the Prohibition of Torture (2019) '[The UK Prison System: Compliance with International Law, Workshop Report](#)'

¹²¹ This is based on complaints data provided to SHRC by SPS for three consecutive years- 2021-22; 2022-23 and 2023-24. For the three years in question, there were 3,107 complaints against staff.

¹²² For example, see:

- Banwell-Moore, R. and Tomczak, P (2022), '[Complaints: Mechanism for Prisoner Participation?](#)' In *European Journal of Criminology*, volume 20, issue 6.
- SPS (2017) [Scottish Prison Service Equality Outcomes 2017-2020](#)
- Prisons and Probation Ombudsman (Feb 2022) '[Complaints Handling in Prisons](#)'
- Data on prison complaints provided to SHRC by SPS for three consecutive years- 2021-22; 2022-23 and 2023-24 provides a break-down of complaints by ethnicity. For period in question, there were 31,243 complaints from prisoners who define

themselves as ‘white’, 536 complaints from prisoners who define themselves as ‘Asian, South Asian or Asian British’, 285 complaints from prisoners who define themselves as ‘African’, 212 complaints from ‘Caribbean or Black’ prisoners, 170 complaints from ‘Other ethnic group’ and 118 complaints from ‘Mixed or multiple’ ethnic groups. For a proper analysis, this would need to be compared with ethnicity data on the prison population at large.

- APT (2024) ‘Global Report on Women in Prison: Analysis from National Preventive Mechanisms,

¹²³ University of Dundee (March 2021) Press release: ‘Research shows prisons need cultural shift to address LGBT+ needs’

¹²⁴ See page 57 of Fernandes, Fernando Lannes; Kaufmann, Becky ; Kaufmann, Karen (2021). ‘LGBT+ People in Prisons’. University of Dundee.

¹²⁵ SPSO (October 2023) ‘A Human Rights Bill for Scotland: SPSO response to the Scottish Government consultation’

¹²⁶ There were 48 complaints on ‘race issues’ for the 3-year period between 2021 and 2024, based on data provided to SHRC by SPS. By comparison, the most complained about issue during the same period- property- received 4,977 complaints.

¹²⁷ In the 2017-2020 Equality Outcomes, it was noted that around two thirds of prisoners who experience discrimination or bullying do not report the behaviour. See Scottish Prison Service Equality Outcomes 2017-2020,

¹²⁸ SPS noted that one third of ethnic minority and foreign national prisoners reported experiencing discrimination regarding race and one fifth regarding their religion. See [Scottish Prison Service Equality Outcomes 2017-2020](#),

¹²⁹ SPS (2017) [Scottish Prison Service Equality Outcomes 2017-2020](#)

¹³⁰ See page 29 of SPS (2017) [Scottish Prison Service Equality Outcomes 2017-2020](#),

¹³¹ SPS (Feb 2024). '[Scottish Prison Service Equality Outcomes 2017-20 Final Progress Report](#)',

¹³² For example, see [full inspection reports for HMPs Greenock, Addiewell and Grampian](#)

¹³³ For example, see [full inspection reports for HMPs Grampian, Greenock, Addiewell, Castle Huntley and Perth](#)

¹³⁴ For example, see [full inspection reports for HMPs Castle Huntley, Addiewell, Inverness, Schotts, Greenock, Perth and Edinburgh](#)

¹³⁵ For example, see [full inspection reports for HMPs Low Moss, Dumfries and Grampian](#)

¹³⁶ For example, see:

- Prisons and Probation Ombudsman (Feb 2022) '[Complaints Handling in Prisons](#)'
- HIMPS (2024) 'Independent Prison Monitoring (IPM) [Findings Annual Report for HMP Edinburgh, 2023-24](#)',
- HIMPS (2024) 'Independent Prison Monitoring (IPM) [Findings Annual Report for HMP Glenochil, 2023-24](#)'

¹³⁷ For example, see:

- [Full Inspection Reports for HMPs Addiewell, Edinburgh, Grampian, Dumfries and Perth](#)
- HIMPS (2024) [‘Independent Prison Monitoring \(IPM\) Findings Annual Report for HMP Barlinnie 2023-24’](#),

¹³⁸ HIMPS (2024) [‘Independent Prison Monitoring \(IPM\) Findings Annual Report for HMP Glenochil, 2023-24’](#),

¹³⁹ For example see HIMPS (2024) [‘Independent Prison Monitoring \(IPM\) Findings Annual Report for HMP Kilmarnock, 2023-24’](#),

¹⁴⁰ For example see [Full Inspection Reports for HMPs Kilmarnock, Stirling, Bella Centre and Lillas centre](#)

¹⁴¹ Banwell-Moore, R. and Tomczak, P (2022). [‘Complaints: Mechanism for Prisoner Participation?’](#) In *European Journal of Criminology*, volume 20, issue 6.

¹⁴² Van der Valk, S. and Rogan, M. (2023) [‘Complaining in Prison: ‘I suppose it’s a good idea but is there any point in it?’](#) in *Prison Service Journal*, Issue 264,

¹⁴³ Morison, K. and Maycock M. (2021) [‘Becoming a Prison Officer: An analysis of the early development of prison officer cultures’](#) in the *Howard Journal of Crime and Justice*, volume 60, issue 1.

¹⁴⁴ Van Der Rijst, P. and Jacobs, P. (2022). [‘The Dutch Complaint Procedure: A “Picture-Perfect” Procedure?’](#) In *Utrecht Law Review*, Volume 18, Issue 1.

¹⁴⁵ For example, see:

- Van der Valk, S. and Rogan, M. (2023) ‘Complaining in Prison: ‘I suppose it’s a good idea but is there any point in it?’ in *Prison Service Journal*, Issue 264
- Banwell-Moore, R. and Tomczak, P (2022). ‘Complaints: Mechanism for Prisoner Participation?’ In *European Journal of Criminology*, volume 20, issue 6.

¹⁴⁶ This is based on complaints data provided to SHRC by SPS for three consecutive years- 2021-22; 2022-23 and 2023-24. For the three years in question, the highest number of complaints were made by those in the **35-49 age group** (13,698 complaints in total), following by the **25-34 age group** (12, 527 complaints in total), followed by the **50-64 age group** (4050 complaints in total). For a proper analysis, this would need to be compared with age group distribution of the prison population at large during these same periods.

¹⁴⁷ For example, see:

- Prisons and Probation Ombudsman (Feb 2022) ‘Complaints Handling in Prisons’,
- Banwell-Moore, R. and Tomczak, P (2022). ‘Complaints: Mechanism for Prisoner Participation?’ In *European Journal of Criminology*, volume 20, issue 6.
- Padfield, N. (2018) ‘Monitoring prisons in England and Wales: who ensures the fair treatment of prisoners?’. *Crime Law Soc Change* 70, 57–76 (2018)
- Families Outside (2021) ‘Families Outside Submission to the UN Day of General Discussion.’

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- Fernandes, Fernando Lannes; Kaufmann, Becky ; Kaufmann, Karen (2021). 'LGBT+ People in Prisons'. University of Dundee.

¹⁴⁸ For example, see Full Inspection reports for HMPs Perth, Greenock, Addiewell, Inverness and Schotts

¹⁴⁹ HMIPS (2024). 'Young People's Experiences of the Scottish Prison Estate: An HMIPS Analytical Review'.

¹⁵⁰ For example, see:

- Full Inspection Reports for HMPs Perth, Addiewell, Low Moss, and Grampian
- HMIPS (2024) 'Independent Prison Monitoring (IPM) Findings Annual Report for HMP Dumfries, 2023-24'
- HMIPS (2024) 'Independent Prison Monitoring (IPM) Findings Annual Report for HMP Glenochil, 2023-24',
- HMIPS (2024) 'Independent Prison Monitoring (IPM) Findings Annual Report for HMP Schotts, 2023-24'

¹⁵¹ For example, see full inspection reports for HMPs Greenock, Grampian and Polmont

¹⁵² For example see full inspection reports for HMPs Schotts and Edinburgh

¹⁵³ For example, see HMIPS (2024) 'Independent Prison Monitoring (IPM) Findings Annual Report for HMP Edinburgh, 2023-24'

¹⁵⁴ SHRC (2021) 'Comments on the UK's 40th National Report on the Implementation of the European Social Charter'

¹⁵⁵ The Scottish Public Health Observatory. 'Population Groups- Prisoners- Policy Context- Scotland'. See: Policy context - ScotPHO

¹⁵⁶ SPSO (2014) 'Prisons: SPSO Complaints report 2013-14'.

¹⁵⁷ Scottish Government and SPSO (Jan 2021) 'The NHS Scotland Complaints Handling Procedure'

¹⁵⁸ Scottish Government (2019) 'The New Model NHS Complaints Handling Procedure – Review of First Year'

¹⁵⁹ Scottish Government (March 2019). 'The New Model NHS Complaints Handling Procedure – Review of First Year'

¹⁶⁰ Health-related prisoner complaints to SPSO are not recorded under prison figures but come under complaints for the healthcare sector in general.

¹⁶¹ Healthcare Improvement Scotland (2017) 'Voice In A Tough Place Healthcare Complaints in Scottish Prisons'.

¹⁶² Healthcare Improvement Scotland (2017) 'Voice In A Tough Place Healthcare Complaints in Scottish Prisons'.

¹⁶³ SPSO (2024) 'Annual Report and Financial Statements 2023- 24',

¹⁶⁴ Healthcare Improvement Scotland (2017) 'Voice In A Tough Place Healthcare Complaints in Scottish Prisons'.

¹⁶⁵ For example, see [full inspection reports for HMPs Greenock, Inverness, Castle Huntley, Low Moss, and Kilmarnock](#)

¹⁶⁶ Healthcare complaints are inspected under standard 9.13 which states ‘All feedback, comments and complaints are managed in line with the respective local NHS Board policy. All complaints are recorded and responded to in a timely manner’.

¹⁶⁷ For example see [Full Inspection reports for HMPs Greenock, Low Moss, Kilmarnock, Stirling, Dumfries Lilies Centre, Polmont and Perth](#)

¹⁶⁸ For example see [Full Inspection reports for HMPs Inverness, Castle Huntley and Low Moss](#)

¹⁶⁹ For example see [Full Inspection reports for HMPs Greenock, Castle Huntley, Inverness, Dumfries, Schotts, Stirling and Polmont](#)

¹⁷⁰ For example see [Full Inspection reports for HMPs Greenock, Castle Huntley, Stirling, Kilmarnock and Polmont](#)

¹⁷¹ For example see [Full Inspection reports for HMPs Greenock, Castle Huntley, Stirling, Low Moss, Perth and Polmont](#)

¹⁷² For example see [Full Inspection reports for HMPs Inverness and Kilmarnock](#)

¹⁷³ For example see [Full Inspection reports for HMPs Kilmarnock and Grampian](#)

¹⁷⁴ For example see [Full Inspection reports for HMPs Greenock, Inverness, Castle Huntley, Stirling, Bella Centre and Polmont](#)

¹⁷⁵ For example see [Full Inspection reports for HMPs Stirling and Polmont](#)

¹⁷⁶ For example see [Full Inspection Reports for HMPs Greenock, Inverness, Schotts, Dumfries and Grampian](#)

¹⁷⁷ For example see [Full Inspection reports for HMPs Addiewell, Schotts and Perth](#)

¹⁷⁸ For example see [Full Inspection reports for HMPs Addiewell, Inverness and Grampian](#)

¹⁷⁹ For example, see [Fully Inspection Report for HPM Dumfries, 26-30 August 2024 \(HMPIS\)](#)

¹⁸⁰ For example see [Full Inspection reports for HMPs Addiewell, Shotts and Perth](#)

¹⁸¹ There were 439 complaints under the medical theme in 2021-22, 413 complaints under the medical theme in 2022-23 and 552 complaints under the medical theme in 2023-24. This is based on data provided by SPS to SHRC.

¹⁸² Scottish Parliament Health and Sport Committee (2017) . [‘Healthcare in Prisons’. SP Paper 135 5th report \(Session 5\).](#)

¹⁸³ For example, see:

- Scottish Government (2022) [‘Understanding the Physical Health Care Needs of Scotland's Prison Population’](#).
- HMIPS (2024). [‘HMP Perth Full Inspection 22-26 May 2023’](#)

¹⁸⁴ HMIPS and NPM (Dec 2024). [“‘Planned Failure” A Thematic Review of Prisoner Transport in Scotland’](#)

¹⁸⁵ Scottish Independent Advocacy Alliance (2021) [‘Guidelines for advocates working in prisons: A companion to the Code of Practice for Independent Advocacy’](#).

¹⁸⁶ Mental Welfare Commission for Scotland (2023). The Right to Advocacy: A review of how health and social care partnerships, local authorities and NHS boards are discharging their responsibilities under the Mental Health (Care and Treatment) (Scotland) Act 2003.

¹⁸⁷ Scottish Independent Advocacy Alliance: What is independent advocacy

¹⁸⁸ Scottish Independent Advocacy Alliance (2021) ‘Guidelines for advocates working in prisons: A companion to the Code of Practice for Independent Advocacy’.

¹⁸⁹ Mental Welfare Commission for Scotland (2023). ‘The Right to Advocacy: A review of how health and social care partnerships, local authorities and NHS boards are discharging their responsibilities under the Mental Health (Care and Treatment) (Scotland) Act 2003’.

¹⁹⁰ Internal research from HMIPS received on advocacy - not publicly available

¹⁹¹ Internal research from HMIPS received on advocacy - not publicly available

¹⁹² Scottish Government (2013). ‘Independent Advocacy: Guide for Commissioners’.

¹⁹³ Internal research from HMIPS received on advocacy- not publicly available

¹⁹⁴ See most recent full inspection reports for HMPs Greenock, Addiewell, Inverness, Castle Huntley, Schotts, Low Moss, Kilmarnock, Stirling, Grampian, Lilies Centre, Dumfries and Polmont

¹⁹⁵ For example, see full inspection reports for HMPs Castle Huntley, Schotts, Dumfries and Edinburgh

¹⁹⁶ For example see full inspections reports for HMPs Castle Huntley, Low Moss, Edinburgh, Grampian, Polmont, Perth and Addiewell

¹⁹⁷ See [SPSO: How to handle complaints](#)

¹⁹⁸ Prison and Young Offenders Institutions (Scotland) Rules 2011; [SPSO Annual Report and Financial Statements 2022-23](#)

¹⁹⁹ See HMIPS (2023). [‘HMP Perth Full Inspection 22-26 May 2023’](#)

²⁰⁰ For example, [see full inspection reports for HMPs Greenock, Addiewell, Schotts and Perth](#),

²⁰¹ HMIPS (2023). [‘HMIPS National Mid-Year Independent Prison Monitoring Report: April-September 2023’](#)

²⁰² SPSO (October 2023) [‘A Human Rights Bill for Scotland: SPSO response to the Scottish Government consultation’](#)

²⁰³ SPSO (October 2023) [‘A Human Rights Bill for Scotland: SPSO response to the Scottish Government consultation’](#)

²⁰⁴ SPSO (October 2023) [‘A Human Rights Bill for Scotland: SPSO response to the Scottish Government consultation’](#)

²⁰⁵ SPSO (October 2023) [‘A Human Rights Bill for Scotland: SPSO response to the Scottish Government consultation’](#)

²⁰⁶ Human Rights Consortium for Scotland et al. (2023) [‘Make Human Rights Justice a Reality’](#).

²⁰⁷ Human Rights Consortium for Scotland et al. (2023) [‘Make Human Rights Justice a Reality’](#).

²⁰⁸ Human Rights Consortium Scotland et al. (2024) 'A call for urgent action to reform civil legal aid in Scotland'.

²⁰⁹ Boyle, K (2023) on behalf of the Scottish Human Rights Commission. 'Access to Justice for Everyone: How might a new Human Rights legal framework improve access to justice in Scotland today? A discussion Paper'

²¹⁰ Boyle, K (2023) on behalf of the Scottish Human Rights Commission. 'Access to Justice for Everyone: How might a new Human Rights legal framework improve access to justice in Scotland today? A discussion Paper',

²¹¹ For example, see:

- Prison Reform Trust (2022) 'The Very Long-Term Prison Population in Scotland: A scoping document',
- The Association of Prison Lawyers (2024) 'Justice Barred The difficulties lawyers face in seeing clients in prison',

²¹² Improvement Service (2028) 'Barriers and challenges in accessing advice services in Scotland and how they have been addressed',

²¹³ Scottish Human Rights Commission (2023) 'At a crossroads: What next for the Human Rights System in Scotland',

²¹⁴ See powers of Commission under the Scottish Commission for Human Rights Act: Scottish Commission for Human Rights Act 2006. From July 2024, the Commission can take cases in relation to the children and young people under the UNCRC (Incorporation) (Scotland) Act-

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

²¹⁵ Scottish Human Rights Commission (2023) '[A stronger Human Rights Commission for Scotland](#)',

²¹⁶ Of the inspection reports that covered visitor complaints, it was noted that the process was visible/ VCFI forms were available in HMPs Greenock, Inverness, Grampian, Dumfries and Polmont. Issues around accessibility and confidentiality were noted at HMP Addiewell and it was noted that there was no log of outcomes at HMP Edinburgh. [All inspection reports available at Publications | HMIPS](#)

²¹⁷ There were 1,471 complaints categorised under the theme of 'visits' between 2021-2024. This is based on data provided to the Scottish Human Rights Commission by SPS.

²¹⁸ There is no official data on this but Families Outside estimate it to be 20,000-27,000 children affected by parental imprisonment per year.

²¹⁹ Families Outside (2021) [Families Outside Submission to the UN Day of General Discussion](#)

²²⁰ See Scottish Human Rights Commission (2024), ["Review...Recommend...Repeat"](#),

²²¹ See Scottish Prison Service (2025), [Your Rights Under the Scottish Prison Rules](#)

²²² [Home | HMIPS \(prisonsinspectoratescotland.gov.uk\)](#)

²²³ This has been the case since the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 came into force on 31 Aug 2015.

²²⁴ See the publications page of the HMIPS website: [Publications | HMIPS](https://publications.hmips.gov.uk/)
(prisonsinspectoratescotland.gov.uk)

²²⁵ HMIPS (2015) [Inspecting and Monitoring: Standard 5: Respect, Autonomy And Protection Against Mistreatment](#). This covers:

- 5.6 Prisoners have access to information necessary to safeguard themselves against mistreatment. This includes unimpeded access to statutory bodies, legal advice, the courts, state representatives and members of national or international parliaments.
- 5.7 The prison complaints system works well.
- 5.8 The system for allowing prisoners to see an Independent Prison Monitor works well.

²²⁶ HMIPS (2015) ['Inspecting and Monitoring: Standard 9: Health and Wellbeing | HMIPS](#) See Standard 9: Health and Wellbeing. This covers:

- 9.13 All feedback, comments and complaints are managed according to the respective local NHS board policy. all complaints are recorded and responded to in a timely manner.

²²⁷ [National Preventative Mechanism](#)

²²⁸ [National Preventative Mechanism](#)

²²⁹ See:

- NPM (2021) 'Scotland's progress in the prevention of ill-treatment in places of detention An assessment of the implementation of recommendations made by the European Committee for the Prevention of Torture'
- SHRC and NPM (2023) Review, recommend, repeat: An assessment of where human rights have stalled in places of detention.

²³⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) - CPT (coe.int)

²³¹ CPT. 'Frequently Asked Questions'

²³² NPM (2021) 'Scotland's progress in the prevention of ill-treatment in places of detention An assessment of the implementation of recommendations made by the European Committee for the Prevention of Torture',

²³³ News Item: Council of Europe anti-torture Committee visits Scotland - CPT

At the time of publication, the report from the 2025 is not yet available. However, all reports from previous visits can be found at: The CPT and the United Kingdom - CPT

²³⁴ United Nations Human Rights Office of the High Commissioner

²³⁵ Scottish Human Rights Commission

²³⁶ HMIPS. Inspecting and Monitoring Standards for Inspecting and Monitoring Prisons in Scotland: Introduction (prisonsinspectoratescotland.gov.uk)

²³⁷ HIMPS: Independent Review Response Deaths in Prison custody

²³⁸ Mental Welfare Commission Scotland

²³⁹ Mental Welfare Commission (2023). ‘Annual report 2022-23’,

²⁴⁰ For example, see:

- Mental Welfare Commission (Oct 2022) Closure Report: Concerns about the Care of Women with mental ill health in prison’,
- Mental Welfare Commission (April 2023) ‘Closure Report: Mental Health in Scotland’s prisons 2021: under-served and under-resourced’