
STATUTORY INSTRUMENTS

1996 No. 32

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 1996**

Insertion of rule 108A into the principal Rules

33. After rule 108 of the principal Rules (requests and complaints to the Governor in relation to confidential matters) there is inserted the following rule:—

“Complaints concerning medical treatment

108A.—(1) A prisoner who desires to make a complaint to the medical officer concerning any aspect of the care provided by any medical officer at the prison may do so subject to and in accordance with the following provisions of this rule.

(2) The prisoner shall, if he desires to make such a complaint, give a sealed envelope containing the written complaint to the residential officer, who shall convey the complaint without delay to the medical officer.

(3) As soon as reasonably practicable after receiving a complaint in terms of paragraph (2), the medical officer shall send a copy of the complaint to the Governor.

(4) If a prisoner requires assistance with the making of a complaint, an officer appointed by the Governor for the purpose shall provide such assistance as is reasonably practicable in the circumstances.

(5) The medical officer shall consider the complaint and reply to the prisoner within 7 days of the date on which the complaint was made except where it is not reasonably practicable for him to do so.

(6) A prisoner may refer his complaint concerning any aspect of the care provided by any medical officer of the prison to the Secretary of State if he is dissatisfied with the reply given by the medical officer in terms of paragraph (5), but the Secretary of State shall be under no obligation to consider the complaint unless it has been so referred.

(7) The Secretary of State shall give a written decision within 14 days of the date on which the complaint has been referred to him except where it is not reasonably practicable for him to do so.

(8) The Secretary of State shall inform the prisoner, the Governor and the medical officer of his decision; and the Governor and the medical officer shall each take any such action as he is required to take to give effect to any instruction which the Secretary of State makes in relation to the complaint.”