

Remand Prisoners' Experiences in the Scottish Prison System: An HMIPS Analytical Review

HM Inspectorate of Prisons for Scotland
2025

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"When you are on remand, you are not a priority"

Remanded Young Offender, HMP & YOI Polmont, 2024.

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Foreword

Living in prison on remand, accused of a crime but presumed innocent in the eyes of the law, is one of the most stressful, uncertain and daunting periods of an individual's time in custody. Many people enter prison in a state of shock, feeling scared, helpless and disorientated by their sudden loss of liberty. Even a short period on remand can have severe consequences for a person's life outside prison, risking the breakdown of relationships and the loss of housing, employment, financial security, and access to their children and social support networks. Remand prisoners are particularly vulnerable to mental disorder and self-harm, and our data shows that in Scotland they are more likely to report various vulnerabilities than their convicted counterparts.

The [Bail and Release from Custody \(Scotland\) Act 2023](#) set new statutory limits on the use of remand so that it is a last resort for the court, reserved for those who pose a risk to public safety. However, despite this and the significant disruption caused by pre-trial detention, each year Scotland remands thousands of people who do not go on to receive custodial sentences. In the year 2023-24, there were 5,125 liberations from remand, 79% (4,031) of which were liberations from court or the procurator fiscal.¹ Scotland has also seen a rise in the length of time people spend on remand. The Scottish Government reports that in 2023-24, 10% of remand stays were longer than 110 days. We found multiple instances of remanded prisoners who had been in pre-trial detention for over six months; some had been remanded for over two years.

The Scottish Government must take strong and effective measures to reduce the number of people remanded into custody and to shorten the length of time they spend on remand. This is necessary to lessen the burden on a significantly overcrowded prison system which, as this report shows, struggles to provide adequate care for the increasingly large remanded population.

Given the disruption caused by remand, the vulnerability of remand prisoners, the presumption of innocence, and the length of time spent on remand, it is crucial that remand prisoners are given adequate care and support, both to cope inside prison and to prepare for sentencing or liberation. This is not only for the benefit of remanded individuals, but also for the safety and cohesion of the families, neighbourhoods and communities to which they will eventually return.

However, this review supports the view that those on remand experience "the harshest regime" of all Scottish prisoners,² and found that fundamental statutory minimum international standards and national prison legislation were not being met for many remand prisoners. In many areas of prison life, remand prisoners reported poorer treatment and access to activities and services than convicted prisoners.

¹ Scottish Government (2024).

² Currie (2019).

For example, remand prisoners:

- Often told us that they were unable to spend more than two hours out of their cell each day, in contravention of Rule 45 of the Nelson Mandela Rules regarding solitary confinement.³
- Were often sharing cells, in contravention of Rule 113 of the Nelson Mandela Rules, and some shared living space with convicted prisoners, in contravention of Rule 112.1 of the Nelson Mandela Rules and Rule 16 of the Scottish Prison Rules.⁴
- Found it difficult to access prison jobs, in contravention of Rule 116 of the Nelson Mandela Rules.
- Were not always able to access one hour a day of exercise in the fresh air, in contravention of both Rule 23 of the Nelson Mandela Rules and Rule 87 of the Scottish Prison Rules.
- Were sometimes unable to access, and sometimes unaware of, their legal entitlement under Rule 64 of the Scottish Prison Rules to daily visits from family and friends.

The remand prisoners who participated in this review also spoke of deteriorating mental health and difficulty getting professional help; using illicit substances as a coping mechanism inside prison; difficulty accessing addiction support; the unavailability of routine medical services; severe boredom and lack of stimulation; and an inability to afford basic necessities.

Many highlighted the huge effect that attitudes of prison staff have on their wellbeing. While some spoke of support, kindness and attentiveness making a positive difference, others told us of the dehumanising effect of staff they felt were dismissive, abusive, disrespectful or disinterested.

The Scottish Prison Rules give little incentive to prioritise the needs of remand prisoners, who have fewer legal entitlements than their convicted peers. Even if the rules were fully upheld, remand prisoners would not necessarily receive the support that they need. The current level of overcrowding and understaffing within the Scottish prison estate makes meeting their needs and protecting their human rights challenging.

HMIPS considers the unequal access of individuals on remand to purposeful activity, support services, healthcare and opportunities for employment a systemic inequality. We recommend that the Scottish Government review the relevant provisions of the Scottish Prison Rules to ensure that remand prisoners are treated equitably, while respecting their distinct legal status as untried individuals. If the experience of remand prisoners aligned with its intended purpose – namely, brief periods of pre-trial detention imposed solely where risk necessitates and only for a limited duration – the disparity in treatment between remanded and convicted prisoners would be less pronounced. However, under current conditions, many individuals held on remand serve periods of custody that are as long as, or even longer than, those served by short-term convicted prisoners, yet tend to report poorer treatment and less access to services and activities.

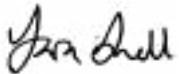
To rectify the challenges and inequalities facing remand prisoners, we call for the Scottish Government to work in partnership with the wider justice system to ensure that only those who pose a risk to the public are remanded, that greater use is made of bail and other alternatives to remand, that time limits on criminal proceedings are enforced, and that criminal procedure is reformed to ensure more speedy conclusions to cases. Reducing the number of untried prisoners, and the time spent on remand, should support the Scottish Prison Service (SPS) in improving services and outcomes for them.

³ United Nations Office on Drugs and Crime (2015).

⁴ Scottish Parliament (2011).

Whatever longer-term improvements are made within the criminal justice system, it remains the responsibility of the SPS to provide fair and humane treatment to all those who are remanded, regardless of the prison population size. We therefore urge them to develop a costed and time-bound strategy to improve conditions and support for remanded individuals, and the Scottish Government to ensure appropriate resources are allocated to enable its delivery.

We believe that if the positive experiences of remand prisoners recorded in this report are built on and replicated and the recommendations enacted, the experience of these prisoners will be vastly improved, fundamental statutory minimum international standards and national prison legislation will be met, and the SPS will benefit from a healthier and better integrated remand population.



Sara Snell
HM Chief Inspector of Prisons for Scotland

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Executive Summary

This report presents the findings of an HMIPS review of the experiences of remand prisoners in Scotland. The findings are drawn from observations on remand halls, interviews with remand prisoners, and analysis of the HMIPS Pre-Inspection Prisoner Survey results (2022-24). The review focuses on the real-life experiences of remand prisoners, highlighting their concerns over their treatment and conditions. Their voices are at the heart of this review. While the review did not seek to independently verify every comment or concern raised, taken together these accounts provide valuable insight into how prisoners perceive and experience life on remand.

HMIPS has been concerned for several years about rising numbers of people spending time on remand in Scotland, and longer periods spend on remand. Remand is known to be a highly stressful time, in which individuals can feel especially vulnerable and be at increased risk of suicide, self-harm, mental health disorder or problematic substance use. The remand prisoners who participated in this review provided further evidence for this view and were significantly more likely than their convicted counterparts to report a range of vulnerabilities.

Despite the high level of need among the remand population, there is a disparity in treatment between remanded and convicted prisoners, and remand prisoners have fewer legislative rights than their convicted counterparts. Remand prisoners were significantly more likely to report negative experiences regarding access to purposeful activity, time out of cell, and access to certain health services.

The review highlights several areas of concern. We found evidence of failure to comply with both legislative requirements under the Prisons and Young Offenders Institutions (2011) Scotland Rules (the "Scottish Prison Rules") and the UN Standard Minimum Rules for the Treatment of Prisoners ("The Nelson Mandela Rules").

The main findings are:

- **Many remand prisoners reported feeling highly vulnerable on arrival into prison,** including some who had felt suicidal, self-harmed or attempted suicide. Remand prisoners were also more likely than their convicted peers to report issues with mental health and substance use, as well as care experience. Overall, interviewees praised staff for treating them well on arrival, although 10% said they were not well treated on arrival.
- **The quality, availability and timing of induction varied across the estate.** Many did not feel they were given the information they needed in a timely manner when they arrived at their current prison.
- **Some remand prisoners said they were not given access to essentials such as a phone call, exercise, or adequate food on arrival at prison.**
- **Women remanded in HMP & YOI Stirling reported benefitting from the pleasant physical environment of this new prison.** While in general the physical environment elsewhere was adequate, there were issues in some prisons with dilapidation, noise and dirty cells.
- **Many remand prisoners were sharing cells, in contravention of Rule 113 of the Nelson Mandela Rules.**
- **Some remand prisoners were sharing cells or halls with convicted prisoners, in contravention of Rule 112.1 of the Nelson Mandela Rules and despite Rule 16 of the Scottish Prison Rules stating that remand prisoners should be held separately from convicted prisoners as far as reasonably practicable.**

- **Most remand prisoners said it was difficult or impossible to access work opportunities, in contravention of Rule 116 of the Nelson Mandela Rules.**
- **The majority of remand prisoners reported being unable to spend more than two hours out of their cells per day, in contravention of Rule 45 of the Nelson Mandela Rules which define 22 hours or more each day without meaningful human contact as "solitary confinement".**
- **Less than three-quarters (71%) of remand prisoners said they were offered access to their legal entitlement of one hour of exercise in the fresh air per day under Rule 87 of the Scottish Prison Rules and Rule 23 of the Nelson Mandela Rules.**
- **Only 58% of remand prisoners reported feeling safe all or most of the time in their current prison.** Those in the female estate were more likely to say they felt safe than those in the male estate. Interviewees cited both prolonged lock-up and extensive unlock as reasons for feeling unsafe, depending on the regime in their prison, and noted that they felt unsafe in exercise yards and showers. Several noted that a strong staff presence was key to feeling safe.
- **Less than two-thirds of remand prisoners (61%) said that staff treated them with respect all or most of the time.** While many interviewees spoke highly of their interactions with staff, experiences of prison staff were variable and there was a sense of inconsistency in the behaviour and attitudes of different staff members.
- **Several interviewees highlighted the importance of staff attitudes to their sense of wellbeing.** It was clear that how staff engaged with remand prisoners had a substantial influence on their wellbeing.
- **Remand prisoners felt that access to medical services was poor and took too long.** They reported particular concerns about their mental health and access to medication and routine dental treatment.
- **Remand prisoners were less likely than their convicted counterparts to say they were well supported to manage disabilities and long-term health conditions.**
- **Not all remand prisoners were aware of, or offered, their legal entitlement to daily visits under Rule 64 of the Scottish Prison Rules.**
- **Many remand prisoners reported struggling with the cost of living.** In particular they told us they could not afford enough phone credit and basic necessities due to lack of income and/or the weekly canteen spending cap.
- **Preparation for release was a cause for concern for many remand prisoners.** There was a clear split between those with strong family support and financial resources, and those without.

Overall, remand prisoners told us that the following changes would help them cope better in prison:

- **Being consistently treated with respect and care by staff.** For example, staff using their first names, trying to get to know them, looking out for signs that they are struggling, and having time to help them.
- **Access to jobs, education and rehabilitative activities.**
- **Spending more time out of their cells and engaging in activities that support their wellbeing.**
- **Having quicker access to medical appointments, mental healthcare and addictions services.**
- **Living in single cells.**
- **Having the financial means, either through a cell wage or work to afford necessary canteen items and phone credit to speak to their families for longer.**

This review calls on the Scottish Prison Service to ensure that all remand prisoners' human rights are upheld, that they are treated fairly and humanely, and that they receive the same standard of care as their convicted counterparts.

However, there is also a broader issue which must be tackled by the Scottish Government. Currently the remand population is too high, the length of time spent on remand is too long, and Scottish remand prisoners are not given adequate protection under Scottish legislation. Taking stronger measures to reduce the remand population and decrease time spent on remand is needed to relieve the pressure on the prison system, leaving the SPS better able to provide fair and humane treatment to all those in their care.

Introduction

Aim

The aim of this review was to understand the experiences of remand prisoners in Scotland, to highlight any concerns about their treatment and conditions of detention, and any areas of good practice across the prison estate. It focuses predominantly on those held in the Scottish prison estate while awaiting trial who are therefore presumed innocent, although the smaller number of remand prisoners who had been convicted and were awaiting sentencing were not excluded from the study.

The review was conducted using a mixed-methods approach. The findings are based on data collected through the HMIPS Pre-Inspection Prisoner Survey between 2022 and 2024 as well as 89 interviews with remanded individuals across the prison estate and observation on remand halls during the summer of 2024 (see Annex I for full details of the method). As such, the review puts the voices and experiences of remanded prisoners at its heart, focusing on the concerns and perspectives of those living on remand. The method differs from our full inspections, with less emphasis on triangulation of each individual prisoner account, and greater emphasis on gathering an overall understanding of how remand prisoners experience and perceive their treatment and conditions across the prison estate.

Background

HMIPS and other organisations have expressed concern over the consistent increase in numbers of remand prisoners, and the length of time spent on remand, over recent years.⁵ In 2023-24, the average daily remand population was 1,796, with remand prisoners making up 23% of the total daily prison population,⁶ up from 1,474 a decade earlier.⁷ Moreover, the median time spent on remand for those who then transitioned into convicted custody had risen from 30 in 2012-13 to 47 days in 2023-24. These figures rose substantially in 2020-21 during the Covid-19 pandemic and have remained high since.⁸ During our review, we frequently came across people who had been on remand for longer than six months – sometimes with no trial date set – and in some cases, over two years.

The longest periods spent on remand have increased over time, again with a sharp rise during the Covid-19 pandemic. According to Scottish Government statistics, in 2017-18, 90% of departures from remand had occurred within 63 days, with the longest 10% of stays before departure taking 64 days or more. But by 2023-24, 90% of remand departures occurred within 109 days, with 10% of remand stays lasting 110 days or more. While this is a reduction on 2022-23 (where the 10% of longest stays were 146 days or more), it remained substantially longer than before the pandemic.⁹

While the number of remand prisoners and the time spent on remand have both increased, HMIPS is concerned that there has been little shift in the care provided to those on remand, to ensure that their treatment and living conditions account for these longer periods. The Scottish Prison Rules provide fewer requirements for, or incentives to prison management, to offer purposeful and rehabilitative activity to remand prisoners compared with their convicted peers.

⁵ HMIPS (2024); Howard League (2021).

⁶ Scottish Government (2024).

⁷ Scottish Government (2015).

⁸ Scottish Government (2023).

⁹ Scottish Government (2024).

This means that remand prisoners risk receiving poorer quality treatment than their convicted peers. HMIPS evidence over recent years has raised numerous concerns, including: the time locked in cells; over-crowding in remand halls; a lack of purposeful activity or rehabilitative work for remand prisoners; instances in which remand prisoners are not offered the amount of family contact to which they are entitled; and inadequate support for physical and health issues or addictions among the remand population.

Number and location of remand prisoners

During the review period, 12 prison establishments in Scotland held remand prisoners. Eight of these held male remand prisoners, three held both male and female remand prisoners, and one held female remand prisoners.

A snapshot of data provided by the SPS from Friday 5 July 2024 showed that there were 1,928 people held on remand in Scotland on that day. Remand prisoners made up almost a quarter (23.9%) of the total prison population. Of those held on remand, the majority were male adults (91.3%), 5.1% were female adults, and 3.5% were male young offenders.¹⁰ None were female young offenders.

Almost a quarter of the remand population (23%) were held in HMP Barlinnie, and 85% of the remand population was held within the seven largest all-male and predominantly male prisons: Barlinnie; Perth (13%); Edinburgh (12%); Low Moss (11%); Kilmarnock (10%); Grampian (9%) and Addiewell (8%).

Table 1: Number and Location of Remand Prisoners by Gender (July 5th, 2024)

Prison Name	Untried male adults	Untried female adults	Untried male young offenders	Untried female young offenders	Percentage of Scottish remand population	Remands as a % of establishment's population
Addiewell	154	0	0	0	8%	22%
Barlinnie	442	0	0	0	23%	33%
Dumfries	32	1	0	0	2%	18%
Edinburgh	239	0	0	0	12%	26%
Grampian	141	24	0	0	9%	23%
Greenock	42	14	0	0	3%	24%
Inverness	53	0	0	0	3%	46%
Kilmarnock	188	0	0	0	10%	32%
Low Moss	211	1	0	0	11%	26%
Perth	249	0	0	0	13%	37%
Polmont	10	35	68	0	6%	9%

¹⁰ Young offenders are defined as those in custody aged 21 or under.

¹¹ Data provided to HMIPS by SPS via the Population and Accommodation Report, Friday 5 July 2024.

Stirling	0	24	0	0	1%	35%
Total	1,761	99	68	0	101%¹²	-

As the table above shows, the relative size of the remand population varied considerably across the estate. In most prisons that held remand prisoners, at least a quarter of the population were held on remand. In four prisons, a third or more of the population was held on remand: Inverness (46%); Perth (37%); Stirling (35%); and Barlinnie (33%).

Characteristics and Vulnerabilities of Remand Prisoners

Data from the Pre-Inspection Prisoner Survey showed that 92% (n = 456) of remand respondents were male and 92% (n = 419) self-reported as being of white ethnicity. The majority of the sample were aged 30 to 49 (58%), with younger remand prisoners (under 30) making up 35% of the sample, and those aged 50 or over accounting for 8% (n = 465).

The survey responses showed that the remand population tended to report higher levels of vulnerability than their convicted counterparts. Three quarters of remand prisoners (75%, n = 442) said they had needed support for their mental health while in their current prison, and more than half (56%, n = 420) said they had a disability or long-term health condition. Over half said they had needed support for drug use (52%, n = 436) and over a third said they had needed support for alcohol use (38%, n = 432). Significantly more remand prisoners reported vulnerabilities relating to mental health and substance use than their convicted counterparts.

Other background factors suggested a high level of vulnerability among the remand population. More than two-in-five (43%, n = 387) remand prisoners said they had been in care under the age of 18, significantly higher than the convicted group (35% n = 845). And remand prisoners were significantly more likely than convicted respondents to say they had children under the age of 18 (55% (n = 399) compared with 47% (n = 851) of convicted respondents.

Table 2: Responses to the pre-inspection survey: remands in comparison with convicted (highlighted results are statistically significant differences between remand and convicted).

Were you ever in care under the age of 18?¹³				
	Remand		Convicted	
	Number	Percentage*	Number	Percentage*
Yes	168	43%	293	35%
No	219	57%	552	65%
Total	387	100%	845	100%
Disability or long-term health condition?				
Yes	233	56%	496	54%

¹² Due to rounding, percentages do not always sum precisely to 100.

¹³ Chi square: $X^2 = 8.65$, $df=1$, $p=.003$.

No	187	44%	423	46%
Total	420	100%	919	100%
Needed support for alcohol use while in this prison?¹⁴				
Yes	166	38%	279	26%
No	266	62%	788	74%
Total	432	100%	1067	100%
Needed support for drug use while in this prison?¹⁵				
Yes	228	52%	415	38%
No	208	48%	671	62%
Total	436	100%	1086	100%
Needed support for mental health while in this prison?¹⁶				
Yes	333	75%	700	64%
No	109	25%	387	36%
Total	442	100%	1087	100%
Do you have children under the age of 18?¹⁷				
Yes	219	55%	397	47%
No	180	45%	454	53%
Total	399	100%	851	100%

*Table excludes those who did not disclose the demographic information requested in the Pre-Inspection Survey.

14 Chi square: $X^2 = 22.21$, $df=1$, $p < .001$.

15 Chi square: $X^2 = 25.28$, $df=1$, $p < .001$.

16 Chi square: $X^2 = 17.17$, $df=1$, $p < .001$.

17 Chi square: $X^2 = 7.37$, $df=1$, $p = .007$.

Legislation Regarding the Care of Remand Prisoners

Despite both the presumption of innocence and the high prevalence of vulnerability within the remand population, remand prisoners are given few rights within the Scottish prison system and have previously been described as experiencing “the harshest regime” of all Scottish prisoners (Currie 2019).

The conditions and treatment of remand prisoners is governed by a combination of domestic legislation, international human rights obligations, and operational guidance issued by the SPS. The main legislation determining the treatment of remand prisoners is the Prison and Young Offenders Institutions (Scotland) Rules 2011 (henceforth referred to as the “Scottish Prison Rules”), which provides the legal framework for the treatment of all prisoners in Scotland. The main differences between remanded and convicted prisoners under the SPS Rules are:

- That remand prisoners should be separated from convicted prisoners as far as reasonably practicable (Rule 16).
- Remand prisoners have more extensive rights than convicted prisoners in some areas, including access to visits (Rule 64) and the wearing of their own clothing (Rule 32).
- Remand prisoners are not required to work but may choose to work or attend education with the permission of the Governor. Remand prisoners who work are entitled to earnings (Rules 85 and 86).

As part of the United Kingdom (UK), Scotland is also part of the United Nations General Assembly, which unanimously endorsed the revised UN Standard Minimum Rules for the Treatment of Prisoners (henceforth referred to as the “Nelson Mandela Rules”) in 2015. The Nelson Mandela Rules are a set of internationally recognised human rights standards for the treatment of prisoners. While endorsed by the UK, and by extension, Scotland, these rules are not legally binding in Scotland; rather they serve as guidance and best practice principles. Rules 111-120 specifically concern remand prisoners, and include provisions that:

- Untried prisoners are presumed to be innocent and should be treated as such (111);
- Remand prisoners should be held separate from convicted prisoners (112);
- Remand prisoners should sleep singly in separate rooms (113);
- Remand prisoners should be allowed to wear their own clothing (114);
- Remand prisoners should always be offered the opportunity to work, but not be required to do so (116); if remand prisoners do work they should be paid for it (116).
- Remand prisoners should be allowed to procure, at their own expense, items such as books, newspapers, writing material (117);
- Remand prisoners should be allowed to be visited by their own doctor or dentist if there are reasonable grounds for the visit and they are able to pay any expenses incurred (118)

Recommendations

The Scottish Government should ensure:

- Only those who present a risk to the public are remanded in custody.
- The use of bail and other alternatives to pre-trial detention increases.
- It understands the reason for the high number of people remanded in custody in Scotland and the length of time they are remanded.
- Criminal cases are processed within the time limits set out by the Criminal Procedure (Scotland) Act 1995. For Solemn Procedures indictment should occur no later than 80 after entering custody and the trial should commence within 140 days of entering custody. For Summary Procedures, the trial should begin within 40 days of entering custody.
- The Prison and Young Offenders Institutions (Scotland) Rules 2011 ensure remand prisoners at least receive equity with convicted prisoners, whilst ensuring the rights due to them as untried citizens.
- The Prison and Young Offenders Institutions (Scotland) Rules 2011 meet the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) Rule 116 regarding the obligation to offer work to untried prisoners.
- There is a costed, fully resourced strategy to improve conditions and outcomes for prisoners held on remand.

Arrival into Custody

Background

The early days of remand are widely recognised as a period of “particular vulnerability”,¹⁸ with evidence to suggest that those on remand are especially at risk of mental disorder and self-harm due to the uncertainty and stress of their situation. A recent analysis found that of the 13 remanded prisoners who died in custody in Scotland in 2024, the majority had been in prison for a month or less, and the median time they had been in custody was 18 days.¹⁹

Some researchers have emphasised the “state of shock”, “helplessness” and “guilt” of many remand prisoners, as they have difficulty coming to terms with an often sudden removal from daily life and entry into an unknown, for many, prison environment.²⁰ Compounding the shock and disorientation of being remanded into custody, researchers have noted that many people find arrival into prison an intrusive, degrading and dehumanising experience, as they are confronted with processes such as strip searching (referred to as “body-searching”), the removal of possessions, and loss of ability to control their daily life and routine.²¹

Feeling on Arrival

Our interviewees reported a range of emotions on being remanded into custody. A small number told us that their most recent arrival on remand did not cause them much stress; often these were people who had frequently been in and out of custody. However, the most common responses referred to feeling distressed and upset. Words used to describe how interviewees felt on arrival included: “shocked”, “frightened”, “daunting”, “anxious”, “heartbroken”, “scared”, “gutted”, “sickened”, “broken” and “a mess”. As three different people described their experiences:

“I was quite upset, I didn’t eat for four days. I didn’t understand how it happened so quickly... it was a big shock, I wasn’t expecting it.”

“It was all new for me, I was in shock... frightened, wondering what was going to happen.”

“[I thought] I shouldn’t be here... I think I broke down - why am I in here again?”

Several participants reported arriving in prison while suffering the effects of substance use, mental health issues, injuries, or poor treatment in police custody or on the journey to prison. For example, one man described arriving at prison “very drunk and a real mess”. Another told us that, due to several significant bereavements and drug and alcohol use to cope with these:

“I was in a horrible mess at that point, I wasn’t in a good place”.

Several participants reported feeling suicidal on arrival or said that they attempted suicide in their first few days. As one person described:

“My mental health was totally gone when I had come in - I had attempted suicide.”

18 Gilling McIntosh et al. (2023); Liebling (1999); Schmid & Jones (1993); OHNR (2010).

19 Armstrong et al. (2025).

20 Citizens Advice (2021); McNaull (2019); Trottier (2022); Liebling and Maruna (2005); Russell et al. (2022); Freeman and Seymour (2010); Irwin (1985); Klotas (1990).

21 Casale (1989); Pelvin (2019); Ugelvik (2013).

Reflecting the wider literature, these accounts highlight the highly vulnerable state in which many remand prisoners arrive at the prison estate, and the need for immediate and continuing support from prison and healthcare staff, as well as other professionals such as social workers and addiction workers.

Treatment by Staff on Arrival

On the whole, participants reported being well treated by prison staff on their arrival into prison. Over half (59%) reported being treated well, including 27% who said they were treated "very well". A further 31% reported being treated neutrally, while 10% said they were badly treated on arrival (n = 444). Interviewees highlighted the central importance of the attitudes of prison staff in influencing how they experienced their early days in custody. Whether describing positive or negative experiences of their early hours and days in custody, the attitude of staff was central to interviewees' accounts.

Reception staff were described positively by many participants, both men and women:

One woman described how the reception staff were "polite and put [her] at ease". (HMP & YOI Grampian, female)

Another woman reported that despite initial apprehension, her transition into custody had been "smooth" thanks to the helpfulness of prison staff. (HMP & YOI Polmont, female)

One man told us that the reception staff were "the best" he had ever come across: "the boys [staff] down there [in reception] are very good". (HMP Addiewell, male)

A small number of people highlighted that the support and kindness they experienced from staff in their early days in custody made a significant positive difference to them:

One man told us that the officer who dealt with him in reception was "excellent". He reported that the officer, having noticed he was in shock, tried to calm him down and explain everything that he needed to know. (HMP & YOI Grampian, male)

A respondent who had been transferred to HMP Low Moss from another establishment told us about a suicide attempt on the first night there, but after a "horrible" first night, "the staff were amazing, they were lovely to me. They provided everything I needed". (HMP Low Moss)

One woman told us she was "not feeling in a good place" on arrival and was worried about how she would cope due to mental health concerns. However, she told us she felt "welcomed and cared for as soon as [she] arrived" and began to see an improvement in her mental health as a result of this support alongside gaining access to appropriate medication for her condition. (HMP & YOI Polmont, female)

A few respondents, all in the male estate, reported feeling that they were poorly treated on arrival into prison. All of these participants referenced the attitude of prison staff members as the reason they felt poorly treated.

Three interviewees in HMP Barlinnie told us about negative experiences with staff on arrival. One told us that staff were "brusque" with him. Another told us he was not given clean clothing for his first four days and that "staff couldn't be fucking bothered speaking to me", only opening his door at mealtimes, but not meaningfully engaging with him.

The third recalled staff treating him with “contempt” on his arrival and felt strongly that he was immediately treated as “a guilty person”, with no empathy shown towards the fact that it was his first time in prison, or that he had not yet been found guilty of any crime. (HMP Barlinnie, male)

Another man told us that he had arrived in a vulnerable state but had been “rattled through” reception without adequate support. (HMP Addiewell, male)

Induction to the Prison

Respondents reported variable access to and quality of induction on arrival into prison. HMIPS expects that all new arrivals into prison are given a national induction as soon as possible, and not later than a week after arrival. They should also be given specific information on arrival, including services available, activities and rules, and their needs should be assessed. However, the Pre-inspection Survey data showed that only 67% (n = 413) of remand prisoners reported being offered an induction on arrival. This statistic was supported by a number of interviewees who reported not receiving an induction. In some cases, respondents said they were offered an induction but chose not to go. In several prisons, however, including HMP & YOI Grampian, HMP Inverness and HMP & YOI Polmont, respondents told us that they were not offered inductions if they had been in prison previously, even if they had been held in another establishment. While some did not feel they needed more than their first induction, others said an induction would have been helpful, particularly if they were remanded to a new prison.

Of those who did receive an induction, some reported a positive experience of the induction process:

One man told us that he attended an induction on the first working day after his arrival and found it very useful, with all his questions answered. (HMP & YOI Grampian, male)

One woman told us that she found her induction very useful and was offered interpretation/translation services for the induction processes as English was not her first language. (HMP & YOI Stirling, female)

One man told us that he attended an induction the day after his arrival and found it useful as he learned about the Chaplaincy and how to register for education classes. (HMP Barlinnie, male)

Another man said that his induction was useful and came as a relief because it led to an opportunity to speak to outside services to arrange the payment of his rent while he was remanded. (HMP Barlinnie, male)

However, many interviewees raised issues regarding their inductions. One issue was the time taken to receive an induction. One man in HMP Addiewell, for example, told us that he asked for an induction several times but did not receive it until four or five weeks after he had arrived in the prison. While the induction he received was good, he was frustrated that it had taken so long to give him the information he needed. While this appeared to be an extreme case, others reported having to wait over a week.

On the other hand, others reported the timing of their induction to be problematic if they had arrived in prison in a state of distress, illness or injury, or under the influence of drugs or alcohol. Some reported that where inductions took place very quickly, they were unable to process the information because of the state they were in at the time, and it would therefore have been more useful to resolve these issues before attending an induction. For example:

One interviewee told us that his induction was “a blur”. He said it was carried out within the first 24 hours, while he was still in shock at having been remanded. He was given a “First Nighter” Booklet but felt that most of the information in it did not apply to him. He told us it would have been better if induction had been carried out a week later with only the essentials relayed on arrival”. (HMP & YOI Grampian, male)

Another interviewee was given an induction on arrival, but he was badly concussed at the time so told us he did not remember much about it. (HMP Inverness, male)

A third interviewee said he had an induction when he arrived but could not remember what was said because of his condition when he arrived. He told us he was in pain from an injury, but his painkillers had been taken away from him and he was under the influence of illicit substances. (HMP Inverness, male)

Another issue raised was that many participants did not find their induction useful. Many people in HMP Barlinnie, for example, reported that their inductions were “OK”, but short, and lacking in information. Similarly, in HMP Edinburgh prisoners reported not knowing basic information like how to access money or fill out complaint’s forms, even after having been through an induction. There was a similar pattern across many establishments with examples including:

One man was given an induction within a couple of days of arriving at HMP Addiewell but told us that he did not find it very informative and could remember little about it. (HMP Addiewell, male)

Two remand prisoners both said they had no induction. One said he had been given a “Prisoner Information Guide” several days after he arrived but did not understand it at all. The booklet was 31 pages long and poorly presented, with no easy-read option. (HMP Inverness, male)

As a result of the variable access to and quality of inductions, across the estate the review team found that several remand prisoners were not aware of basic entitlements regarding access to services such as visits, virtual visits or how to sign up to education classes.

Access to Essentials

Some interviewees reported being given “everything they needed” on arrival into custody, for example, phone access, food, and a shower. However, this was not universal. Interviewees across different prisons reported poor access to some legal entitlements and essential items during their first few days in custody, including phone calls, access to fresh air, food, soap, showers, clean clothing and bedding. In HMP Edinburgh, for example, two respondents who had arrived on remand on a Saturday reported not having access to a phone, fresh air, exercise or a shower until the following Monday. And in HMP Barlinnie, some interviewees reported not receiving clean bedding or clothing on arrival and not being able to make phone calls on the day they arrived.

One man told us he was given very little information on arrival. He felt he was in a “bit of a bubble trying to find out information about what’s happening”. He was held in D Hall for four days and was not given clean clothing for four days. He told us that he felt “the staff couldn’t be fucking bothered speaking” to him; instead, they just opened his door at mealtimes and that was it. He was not offered phone calls to explain to people why he was in prison”. (HMP Barlinnie, male)

A group of female remand prisoners arriving at HMP & YOI Grampian reported being unable to use the toilet and being given inadequate food for their dietary requirements on arrival at the prison. They told us that:

When they arrived, they were locked in reception for over two hours before they were taken to the hall. They said they had undergone a four-hour journey and were desperate to use the toilet but were not allowed to do this for another half an hour. They were offered food, but one of the women was allergic to nuts so could not eat the pasta they were offered. Instead, she was given a few apples. She told us she had nothing to eat after that until the following morning at breakfast. (HMP & YOI Grampian, female)²²

Summary

- Many participants reported arriving at custody in a vulnerable state, including some who felt suicidal. Overall they reported being well treated by staff, although a small number felt unsupported and poorly treated.
- Only around two-thirds (67%) of remand prisoners reported being given an induction on arrival. Some interviewees told us that their inductions took too long to arrange.
- While some interviewees gave positive feedback on their induction experience, a substantial number found their induction unhelpful either due to the timing of it, too early or too late, the brevity of it, or the lack of clarity.
- While many interviewees reported getting access to essential items and their legal entitlements on arrival at the prison, there were a number of reports of remand arrivals not getting prompt access to essentials including phone calls, exercise, clean clothing, clean bedding, showers or soap, and adequate food or bathroom facilities.

Recommendations

The SPS should ensure:

- Remanded prisoners receive notification of their rights in writing on arrival and verbally during induction. This should include information on contact with families (visiting entitlement and how to make telephone calls).
- Remanded prisoners access necessities and entitlements in the early days of custody (including phone calls, access to exercise and fresh air, showers, clean clothing and clean bedding).

²² When followed up with SPS, HMIPS were informed that this was an isolated incident caused by an "operational issue", and was not standard practice at HMP & YOI Grampian.

Physical Environment

Background

HMIPS and others have called attention to concerns about overcrowding on remand halls in recent years.²³ Overcrowding poses risks to prisoner safety and increases the likelihood of remand prisoners living in inadequate conditions and sharing halls and cells with convicted prisoners. This review found that while the physical environment was generally adequate, there were issues with cleanliness and dilapidation of facilities in some remand halls: during the review period almost half of the Scottish remand population (48%) was held in three of Scotland's oldest and most dilapidated prison buildings – HMP Barlinnie, HMP Perth and HMP Edinburgh. Cell-sharing was an issue for a number of interviewees.

Atmosphere

Overall, the review found that the environment in remand halls was generally acceptable, although there were variations across different halls and different prisons. The new female prison, HMP & YOI Stirling, stood out for its positive environment, with interviewees praising the clean, bright and comfortable spaces, with large windows and lots of natural light. One interviewee told us that she referred to her hall as her “home” given the comfortable environment it afforded. Another woman contrasted the environment in HMP & YOI Stirling with the previous all-female prison, HMP & YOI Cornton Vale, telling us that because it is so “light and bright” and spacious, she found it much less daunting and much easier to talk to people. She commented on the calmer design and environment, with small changes such as softer doors that do not bang when they are opened and closed making a significant difference to her sense of wellbeing.

While none of the other prisons elicited such positive responses from interviewees, in general the review team observed remand prisoners living in relatively calm, orderly halls during most of their observation visits. As two reviewers observed:

“There was a relaxed atmosphere on each of the wings and for the most part they were calm and quiet. I asked multiple prisoners on each level if this was typical and the majority said that life was typically quiet and violence-free”. (HMP Edinburgh, male)

“The hall was tidy and there was no noise other than those I was talking to and a couple of prisoners chatting to the officer”. (HMP Dumfries, male)

However, some remand halls were noisy and chaotic, with constant movement and shouting. As two reviewers observed:

“The hall was very noisy – someone shouted the whole time I was there, and had been shouting and disturbing people all night”. (HMP Barlinnie)

“The right side of the hall was fairly calm during recreation, however the left side was very noisy and felt much more chaotic... it was very loud and boisterous”. (HMP & YOI Polmont)

²³ HMIPS (2024); SCCJR (2019).

Cleanliness

On the whole, the review team and interviewees reported the halls to be relatively clean and tidy most of the time, although in some prisons the dilapidation of the fabric of the buildings made it difficult to maintain high standards of cleanliness. In one part of HMP & YOI Polmont, for example, there was tape holding down the floor in some areas, while in HMP Barlinnie some interviewees reported that there was graffiti and poor paintwork in some areas, including in cells, and some reported seeing cockroaches in the showers and exercise yards.

Exercise yards used by remand prisoners in some prisons were in poor condition:

One exercise yard remand prisoners had access to in HMP Barlinnie was described as "large but dismal" and one remand prisoner reported seeing cockroaches in the yard.

Another prisoner in Barlinnie described the yard as "just concrete and a fence... it's just a cage, no benches, no vegetation", while a third noted that the yard he had access to was too small and over-crowded.

In HMP Dumfries, one interviewee reported that the exercise yard was "not a good place to be", as it is "small, rough surfaced, and can have a lot of rubbish".

In HMP & YOI Polmont, too, young men reported that the facilities for exercise were poor, the yard was often messy, and there was nothing to do while outside on exercise.

Cells

Many remand prisoners reported that they were – or had been at some point during their remand stay – sharing cells. This is in contravention of Rule 113 of the Nelson Mandela Rules, which state that "untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate."²⁴ Some reported sharing cells with convicted prisoners, potentially in contravention of the Scottish Prison Rules, which state that "as far as reasonably practicable, untried prisoners should be kept apart from convicted prisoners".²⁵ And, due to the over-crowding in the prison estate, some interviewees reported being placed in contingency cells, cells in which extra beds or mattresses are added to accommodate more people than the cell is designed for.

Interviewees reported problems stemming from cell-sharing, including struggling to spend extended lock-up periods in such close proximity to a cellmate, not getting on with cellmates, non-vapers having to share with vapers, struggling to share with messy or unclean cellmates, and those with particular health conditions finding it difficult or embarrassing to share a cell. As one person in HMP Dumfries described:

"I find the small, shared cell very restrictive, and I suffer depression over it". Another man in HMP Low Moss told us he struggled when he was forced to share a cell for six weeks with a cellmate with severe mental health illness.

Interviewees provided contrasting reports on the state of their cells. While some had clean, tidy, freshly painted cells, others were dilapidated, cramped and dirty. On one hall in HMP Barlinnie, the passmen all had freshly painted cells that they had been allowed to paint themselves. And females in both HMP & YOI Stirling and HMP & YOI Polmont generally reported having nice, clean cells which they were able to decorate themselves. As one observer reported:

²⁴ United Nations Office on Drugs and Crime (2015).

²⁵ Scottish Parliament (2011).

"The rooms I saw all looked very much to have a personal touch. Lots of decoration and in a fair better state of repair than the male young offenders". (HMP & YOI Polmont, female)

While across the rest of the estate, many described their cells as "fine", issues were reported and observed regarding the dilapidation, size, and cleanliness of cells. As some members of the review team observed:

"They all have single rooms, but the rooms themselves are extremely run down and basic. There is graffiti all over the walls and ceiling and they look long overdue some care and attention. Paint is flaking off the walls". (HMP & YOI Polmont, male YOs)

"His cell was not clean when he arrived, and he had to wait until the Monday to clean his cell because that is the day for cleaning". (HMP Barlinnie, male)

"He said his cell was not too bad when he arrived, but it was not totally clean because someone else had just left and there had not been time to clean it properly". (HMP Addiewell, male)

"He described his cell as 'old and tatty and stinking of pigeon shit". (HMP Barlinnie, male)

"The cell was dirty on arrival and there were no mops to clean it. This has been rectified, but one of the prisoners suffers from OCD and said that this was disturbing for her". (HMP & YOI Grampian, female)

Summary

- There was a marked contrast in the physical environment, with HMP & YOI Stirling standing out for the positive effect prisoners reported on their wellbeing of the pleasant, light and bright spaces available.
- Many remand prisoners were sharing cells, in contravention of Rule 113 of the Nelson Mandela Rules.
- Many remand prisoners were sharing halls and/or cells with convicted prisoners in contravention of Rule 112.1 of the Nelson Mandela Rules and despite Rule 16 of the Scottish Prison Rules.
- While cells and halls were generally clean, in several prisoners reported being placed in dirty cells on arrival.
- Exercise yards available to remand prisoners were not always in good condition.

Recommendations

The Scottish Prison Service should ensure:

- The sharing of accommodation between convicted and remand prisoners ends.
- Newly received remand prisoners are allocated cells which are clean and free of graffiti.

Regime, Purposeful Activity and Time out of Cell

Background

It is well established that a lack of purposeful activity and lack of time out of cell is damaging for prisoners' mental and physical wellbeing, leading to boredom, isolation, wasted time, and a lack of rehabilitation.²⁶ While the Scottish Prison Rules do not oblige the SPS to provide work for untried prisoners, the Nelson Mandela Rules require that all untried prisoners are offered work. As Rule 116 states:

"An untried prisoner shall always be offered the opportunity to work but shall not be required to work. If he or she chooses to work, he or she shall be paid for it."

However, numerous examples in recent years suggest this provision is frequently unavailable for prisoners held on remand in Scotland. In 2022, HMIPS found that in HMP Barlinnie, because of a lack of staff and facilities, "relatively few remand prisoners were offered 'traditional work' opportunities, with concern about the impact on wellbeing and lack of income within the prison".²⁷

In recent years there has generally been limited opportunity for remand prisoners to access purposeful activity such as education, work, training or rehabilitation programmes, with most services prioritising long-term convicted prisoners due to legislative necessity (Scottish Parliament Justice Committee 2018; O'Connor 2023). As a result, remand prisoners have been described as experiencing "the harshest regime" of all prisoners (Currie 2019). This is of particular concern given the long periods of time some people have spent on remand over the last few years.

Time Out of Cell

A major issue across the estate was the amount of time remand prisoners spent locked in their cells, with the survey data suggesting they continue to experience a harsher regime than their convicted counterparts across much of the estate. It was common for interviewees to report spending a minimum of 22 or 23 hours per day locked up, with little opportunity to socialise or access activities. This was supported by the Pre-inspection Survey responses in which only 40% (n = 441) of remand prisoners reported being able to spend more than two hours out of their cells during the previous weekday, and 37% (n = 443) said they were able to spend more than two hours out of their cells during the previous Saturday. Significantly fewer remand prisoners said they were able to spend more than two hours out of their cells than their convicted counterparts (66% (n = 1104) on the previous weekday and 59% (n = 1094) on the previous Saturday).

This raises concerns about whether the Scottish prison estate adheres to the Nelson Mandela Rules regarding solitary confinement for remand prisoners. The UN defines solitary confinement as 22 hours per day or more without meaningful human contact. Prolonged solitary confinement is defined as 22 hours a day or more without meaningful human contact for more than 15 consecutive days. There is an absolute prohibition on the indefinite or prolonged use of solitary confinement under the Nelson Mandela Rules. Essex Paper 3, the initial guidance on the interpretation and implementation of the Nelson Mandela Rules, provides the following guidance on what constitutes meaningful human contact:

²⁶ Scottish Parliament Justice Committee (2018); Currie (2019); Trottier (2022).

²⁷ Thin (2023).

"Such interaction requires the human contact to be face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication. Contact must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity." (2016:88-89)

The reports of numerous remand interviewees suggested they were being denied this level of "meaningful human contact", with a common theme being that the majority of remand prisoners were unable to access jobs and therefore spent 22 or more hours a day in their cells. In some cases, such as HMP & YOI Polmont and HMP Barlinnie, remand prisoners could not eat their meals communally but were obliged to eat in their cells. Some interviewees told us that their disabilities meant they were confined to their cells for more than 23 hours a day, as it was too difficult to access their daily entitlement to fresh air or activities such as education. One man told us that he spent 24 hours a day in his cell as there was nowhere to sit in the exercise yard and he was unable to stand or walk for the duration of an exercise session. He was also unable to attend any activities because it was too far for him to walk unaided.

Interviewees described the negative effects of spending so much time locked in their cells – whether alone or in a shared cell²⁸ – with little to do:

"I just sit in my cell... behind my door I feel like I am losing the plot".
(HMP & YOI Grampian, male)

One man described feeling that he was "rotting away in a cell 24 hours a day", with his only opportunity to leave his cell each day being for exercise, which he said was often cut to 45 minutes, and one period of recreation. (HMP & YOI Grampian, male)

One man estimated that he spent 23.5 hours a day locked in a shared cell: "Days are very difficult mentally. I want to cry out, but I know there's no point... [sharing a cell] is stressful – I've not had a minute to myself since I moved into this cell". (HMP Barlinnie, male)

One man in HMP Inverness told us that he felt like he had "no personality" after spending 22 hours locked in his cell every day. (HMP Inverness, male)

"Regime, what regime? There's no regime... We have 23 hours a day in our room. Allowed out to get shower or make toast, maybe play pool if you have time after that. We get 45 mins exercise but sometimes it is too early, so no one goes... All we really want is more time out of our rooms. My mental health is fine, but it really impacts the other boys. You can see them when they come out their room – they're depressed. Some of the boys can't cope. Some [prisoners] get bored in their room and take drugs...". (HMP & YOI Polmont, male young person)

²⁸ In line with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), HMIPS does not view cell-sharing as mitigation for not enabling prisoners to access meaningful human contact outside their cell. As the CPT states: "The CPT understands the term "solitary confinement" as meaning whenever a prisoner is ordered to be held separately from other prisoners, for example, as a result of a court decision, as a disciplinary sanction imposed within the prison system, as a preventative administrative measure or for the protection of the prisoner concerned. A prisoner subject to such a measure will usually be held on his/her own; however, in some States he/she may be accommodated together with one or two other prisoners, and this section applies equally to such situations" (CPT 2011).

A further issue raised by interviewees was the lack of things to do while locked in their cells. Generally, there was little to do other than read, listen to the radio or watch TV. Some said they would call their families, draw, do sudokus or colouring books, but overall, the general sense was of having too little to do to fill the long hours spent in their cells. Positively, two foreign national remand prisoners reported having been given access to books in their own languages.

The only prisons where a lack of time out of cell were not raised as an issue by prisoners were HMP Addiewell and HMP & YOI Stirling. In HMP Addiewell, remand prisoners were unlocked for most of the day, which some of them enjoyed, while others felt it was too much and caused extra stress as they did not feel they could relax while unlocked on the hall, constantly surrounded by other prisoners (see Safety section). In HMP & YOI Stirling, remanded women reported being unlocked most of the time on the hall during the day, which they appreciated as it allowed them the ability to socialise and take part in activities on the hall to help pass the time.

Work

Despite the provision within the Nelson Mandela Rules for remand prisoners to be offered work, across the estate we found minimal opportunities for remand prisoners to work. Among survey respondents, only 27% (n = 376) of remand prisoners said it was easy to access a prison job, significantly lower than the percentage for convicted respondents (39% n = 986).²⁹

Some interviewees had jobs as passmen, while a handful of others had been given jobs in various work parties. In HMP & YOI Polmont, the young men reported that there were no jobs available other than being a passman.

Those with jobs spoke positively about their situation, noting that it gave them some income to spend on the canteen, it enabled them to spend time out of their cells, it was good for their mental health, and helped them to pass the time.

One young man, for example, who had been on remand for two years, told us his "mental health had been absolutely awful" until he was given a passman job 15 months into his time in prison. (HMP & YOI Polmont, male)

Another interviewee said he was "very pleased" to have been offered a job, as before "all [I] was doing was sitting in my cell worrying". He told us that work took his mind off his problems and kept him busy. (HMP Barlinnie, male)

Many interviewees said they would like to work but that there were too few opportunities to do so. They spoke of the boredom of not having a job, the negative effect of having so little to do on their mental health and struggling pay for canteen items and phone calls to family as a result of not receiving a wage (See "Safety" section for a discussion financial difficulties).

Education

Fewer than half of remand prisoners reported that it was easy to access education (45% n = 374). Again, this was significantly lower than the figure for convicted respondents (58% n = 1,012).³⁰ While some respondents reported being able to attend education classes – with classes including English, Maths, Art, Music and Life Skills available across the estate – the availability appeared inconsistent and many remand prisoners said they could not access them. In HMP Dumfries remand prisoners generally told us that everyone could access some form of education if they wanted it, whereas in other prisons the availability was more sporadic. Some interviewees

²⁹ Chi square: $X^2=16.611$, $df=1$, $p<.001$.

³⁰ Chi square: $X^2=19.33$, $df=1$, $p<.001$.

reported not knowing how to request education while others said they had requested education classes but had waited several months without hearing back. Overall, those who did attend education were positive and enthusiastic about it, with some having gained qualifications and certifications during their time on remand. One woman, for instance, told us about the pride she felt on completing an education course.

Exercise

According to Rule 87 of the Scottish Prison Rules, "every prisoner must be given the opportunity to take exercise or, where the weather permits, to spend time in the open air for not less than one hour every day." However, only 71% (n = 449) of remand respondents to the survey reported being able to access exercise in the fresh air every day for at least one hour during the previous week. Interviewees noted various reasons for not getting access to their exercise entitlement, including: some saying there was no access to exercise in the first night centre during their first days in prison; lack of provision for prisoners with disabilities or certain health conditions to use the exercise yards; exercise times clashing with work or other activities; and exercise sessions being shorter than the hour mandated in the legislation.

Some reported choosing not to access fresh air for various reasons including the weather, the time of day it was available, the unappealing nature of the exercise yards – as one person described it "it's just walking around in a concrete circle for an hour" – or due to fear of other prisoners in the yard.

Other activities

Finally, across the estate there was varied access to a variety of other activities such as gym, sports such as football, yoga and boxing, library, recreation, and opportunities to attend sessions run by third sector organisations such as Youth Work in HMP & YOI Polmont, and Shirley's Space in HMP & YOI Grampian. Remand prisoners noted that they would benefit from greater access to the gym, sports and recreation time, as all of these were seen as positive for their mental and physical wellbeing but tended to be offered sporadically. In most establishments, remand prisoners reported sports and gym sessions tending to be over-subscribed, meaning they could not attend regularly and recreation sessions being "few and far between".

Summary

- Remand prisoners commonly reported breaches of Nelson Mandela Rule 45 regarding solitary confinement, with concerning proportion of remand prisoners reporting being locked up for at least 22 hours a day.
- Remand prisoners reported the negative effects on mental health of long periods locked up either alone or in shared cell.
- Not all remand prisoners could access their legal entitlement to one hour of access to fresh air per day in accordance with the Scottish Prison Rules.
- There was not enough activity to support positive wellbeing of remand prisoners, with inconsistent and infrequent offerings of activities work, education, sports, gym and recreation.
- Remand prisoners reported breaches of Nelson Mandela Rules 116 regarding the obligation to offer work to untried prisoners.
- The lack of work for remand prisoners was problematic as those without access to any outside income received no prison wage if they did not attend work or education. It was notable that in HMP Dumfries an effort was made by prison management to ensure everyone could work, and in some prisons remand prisoners without an outside income source were prioritised for work opportunities.

Recommendations

The SPS should ensure:

- No prisoner is subjected to solitary confinement.
- Work opportunities are offered to all remand prisoners who wish to work.

The Scottish Government should ensure:

- The Prison and Young Offenders Institutions (Scotland) Rules 2011 meet the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) Rule 116 regarding the obligation to offer work to untried prisoners.

Safety

Background

Little has been written about the safety of remand prisoners. However, a small amount of evidence from England and Wales suggests that remand prisoners may face greater safety concerns than convicted prisoners. For example, HM Inspectorate of Prisons findings for England and Wales showed that remand prisoners appeared to be at a higher risk of suicide and self-harm than convicted prisoners, and that they generally reported feeling less safe than convicted prisoners.³¹

Qualitative research by Trottier (2022) highlighted feelings of fear among remand prisoners, especially early in their incarceration.³² Particular accommodation situations made some remand prisoners feel unsafe and vulnerable, for example being housed among convicted prisoners, or when those charged with certain offences (e.g. sex offences) were held in mainstream remand wings rather than protection. Some of the research participants described their experience on remand as “scary” and “terrifying”, with fears stemming from the unfamiliar and intimidating environment, and concerns about what might happen to them in prison and who they were surrounded by. Some described feeling “tested”, “taunted” and “picked on” by other prisoners, and felt it necessary to fight back to gain respect. Trottier noted, however, that many said the feelings of being unsafe dissipated to some extent as time went on, as they adjusted and adapted to their new surroundings.

Feelings of Safety among Remand Prisoners in Scotland

Similar to the findings from England and Wales, data from the HMIPS Pre-inspection Survey suggests that those on remand tended to feel less safe than convicted prisoners in Scottish prisons. Fewer than two-thirds (58% n = 460) of remand prisoners reported that they felt safe all or most of the time. This was lower than the percentage of convicted prisoners who reported feeling safe all or most of the time (63% n = 1,111), although the difference between the two groups was not statistically significant. More than one in ten remand prisoners (12%) said they “never” felt safe.

The qualitative data generally reflected this, with mixed responses regarding safety. While some interviewees, particularly those in the female estate, told us they generally felt safe, others reported that they could never feel totally safe in prison. As one man explained, while he felt “quite safe”, “no matter what jail you’re in you can be assaulted at any time.”

Factors influencing feelings of safety

Participants highlighted a number of factors that influenced how safe they felt, including where in the prison they were, staff presence and behaviour, and mixing with other prisoners.

Location

It was clear from the qualitative data that there were differences in feelings of safety depending on what prison the interviewee was held in. In HMP & YOI Stirling, HMP Dumfries and HMP & YOI Polmont, for example, interviewees tended to report feeling safe. On the other hand, in HMP Addiewell, just 34% (n = 41) of remanded respondents reported feeling safe most or

³¹ HMIP (2012).

³² rottier (2022).

all of the time, and interviewees were more likely to raise safety concerns than interviewees in other prisons. Similarly, female interviewees tended to report feeling safe more often than male interviewees, with 79% (n = 28) of remanded females reporting feeling safe all or most of the time, compared to 57% (n = 422) of remanded males. This difference was statistically significant.³³

Table 3: Percentage of remand prisoners reporting that they felt safe all or most of the time, by gender.

Gender	Percentage	Number
Male (n = 422)	57%	241
Female (n = 28)	79%	22
Total	58%	263

Several participants spoke of settings in which they did not feel safe. In some prisons, particular halls were regarded as less safe than others. And in HMP Barlinnie in particular, a number of participants reported that they did not feel safe in the showers, including one interviewee who reported having been threatened and beaten up in a shower block. On the other hand, another man held in HMP Barlinnie noted that in the hall he was in, the showers were well supervised by staff which helped to maintain safety.

Another area of concern for some prisoners were the exercise yards, which one prisoner in HMP Barlinnie described as "threatening" and having a "level of unpredictability" because it was not uncommon for fighting to break out while accessing fresh air. Protection prisoners also reported being subjected to threats and verbal abuse from other prisoners while accessing fresh air in exercise yards in view of mainstream prisoners. In several prisons, some prisoners reported not taking the opportunity to access fresh air for fear of violence from enemies. Again, prisoners reported feeling safer in the yards if they felt that the staff supervising them could be trusted to maintain order.

Staff presence and behaviour

When asked what contributed to their sense of safety, interviewees often noted the importance of staff "maintaining a presence", while some commented that their feeling of safety depended to some extent on which staff members were present, with some more trusted than others. As noted above, staff maintaining a strong presence in areas where prisoners felt their safety was more likely to be at risk, such as showers and exercise yards, was seen as an important factor in how safe prisoners felt. As one man noted, he often felt unsafe and fearful of other prisoners, but felt that there were some "good officers around", and he felt safe only if they were on duty. Similarly, in HMP & YOI Polmont, the young men interviewed generally observed that while fighting between prisoners was relatively common, they were confident that staff would intervene swiftly.

In the women's estate interviewees were more likely to say they felt safe than in the male estate. In one visit during the summer, for example, we observed a group of women at HMP & YOI Stirling appearing at ease, lying down in the sun with their eyes closed. When asked about why they felt comfortable doing so, several commented that the staff contributed significantly to their sense of safety.

³³ Chi square: $X^2=4.98$, $df=1$, $p=.026$.

In some cases, remanded interviewees suggested that certain staff members were the cause of their feelings of unsafety. Over half (53% n = 454) of survey respondents reported having witnessed staff abusing, threatening, bullying or assaulting another prisoner, while 39% (n = 448) said that they had been abused, threatened, bullied or assaulted by a staff member themselves. Among our interviewees, a small number reported having been attacked or verbally abused by staff members, and several believed that staff members had shared information with other prisoners which had put them at risk. For example, one participant reported having been beaten up by other prisoners after they heard about the nature of his alleged crime, information which he believed had been shared by staff. He did not feel that he was protected by staff, and as a result stopped going to activities and tried to spend as much time as possible in his own cell away from those he felt threatened by.

Threats from other prisoners

Among remand prisoners, in the Pre-inspection Survey data, just over one-third (35% n = 453) of respondents reported having been abused, threatened, bullied or assaulted by another prisoner. In interviews, the main triggers for prisoner-on-prisoner violence respondents highlighted were having enemies, drugs and boredom.

Having enemies within the prison was a significant concern for some interviewees. One interviewee explained that he was "definitely not" safe because he had enemies within the prison and was therefore "never quite sure what is going to happen". Others commented that they were scared to leave their residential hall for fear of coming across enemies in other parts of the prison. Some who did feel safe noted that one aspect of this was not having enemies and keeping themselves out of trouble. One interviewee commented, for example, that he felt that prisoners would be safe if they were not "getting mixed up in things", while another said that he feels safe in part because he "works at not making enemies".

In several male establishments, particularly HMP Barlinnie and HMP & YOI Polmont, interviewees told us that the lengthy periods of time prisoners were locked up and the lack of activities to take part in contributed to feeling unsafe, as they felt that the long time spent locked up in a confined space led to frustration, over-thinking, and mental deterioration, which in turn led to violence. One interviewee described how being locked up so much meant that when prisoners were unlocked, "small things can quickly escalate into a violent situation, like just being accused of staring at someone". Another described how when people were locked in their cells "the demons come alive", leading to tensions between prisoners when they were unlocked and "everyone running around banging heads".

On the other hand, however, some, but not all, interviewees in HMP Addiewell noted that the long periods of unlock in this establishment also led to them feeling unsafe. One remand prisoner in Addiewell, for example, commented that the large periods spent unlocked in the halls led to violence as "everyone is always around, and they get into arguments which don't happen if you're [locked] behind your door".

Summary

- Fewer than two-thirds (58%) of remand prisoners reported that they felt safe all or most of the time, with marked differences across the estate.
- Those in the female estate were significantly more likely to say they felt safe than those in the male estate.
- In some prisons, remand prisoners noted that lengthy periods of lock-up contributed to feeling unsafe, in others extensive periods of unlock were also reported to lead to feeling unsafe.
- Particular locations, notably showers and exercise yards, were highlighted as areas of safety concern.
- Staff presence and behaviour was commonly mentioned by prisoners as a key influence over how safe they felt.

Recommendations

The SPS should ensure:

- Remand prisoners report feeling safe in prison.
- Staff are physically present and confident in their roles.

Relationships with Staff

Background

The central importance of relationships with staff for prisoners' wellbeing and ability to cope in prison is well-documented. Discussing remand prisoners specifically, Williams et al. 2013 noted that "getting on with staff" is strongly associated with the quality of prisoners' experiences. He noted that "the simple expedients of prison staff ensuring that they have good relationships with prisoners and facilitating these between prisoners could make a life-saving difference" for those struggling to cope. Similarly, Liebling and Maruna (2005) argue that the "personal trauma" of being remanded is avoidable through positive engagement from staff: if staff give prisoners a voice and sense of agency and listen to and act upon concerns about their treatment, rather than seeing themselves simply as "incarcerators".³⁴

Interactions with Staff

More than half of remanded survey respondents (61%) reported that they were treated with respect by prison staff all or most of the time, although only 18% said that they were treated with respect all the time (n = 456). Reflecting this, the review found that relationships with staff appeared generally positive. During observations, staff tended to interact in a kind, respectful and friendly manner with remand prisoners. In many instances, staff were observed engaging in relaxed, friendly and light-hearted conversation with prisoners on the halls, particularly in HMP & YOI Stirling and HMP & YOI Polmont. Many interviewees acknowledged that respect was a two-way street and that they would be treated with respect if they showed respect to staff. Interviewees across the estate reported positive experiences of dealing with prison staff. Examples included:

One respondent told us that the staff were "brand new", noting that they used his nickname, remembered from a previous stay, and he used their first names, giving a sense of familiarity and ease. (HMP Barlinnie, male)

One man described the staff as having been "brilliant" with him and made him "feel positive". (HMP Low Moss, male)

One woman told us that staff were "attentive and supportive" and would pick up on small cues that suggested a prisoner was struggling. When this happened, she told us staff would then go out of their way to find out what was wrong and help them get any support they needed. (HMP & YOI Stirling, female)

However, there was a strong sense that staff attitudes varied considerably. While relationships were generally described as "alright", or "OK", many drew attention to staff who either were seen to go "above and beyond" to help them, or who were seen as particularly unhelpful, arrogant or rude.

"Different staff treat prisoners differently". (HMP & YOI Grampian, male)

One interviewee told us about an officer who he trusts and always goes above and beyond if he needs anything. This makes him feel good, but he said that the others are "a bit hit and miss". (HMP & YOI Grampian, male)

³⁴ Dixon (2022).

One interviewee told us: "Some are alright, but I wouldn't talk to [particular member of staff], he's an arse". (HMP Barlinnie, male)

Some also highlighted feeling frustrated by staff who treated them as if they were guilty when they remained untried, or who did not speak to prisoners in the same way they would speak to people outside the prison:

"They speak to prisoners like shit when they would not speak to anyone like that on the outside". (HMP & YOI Grampian, male)

Both prisoners and staff in some establishments noted that the variable attitudes of staff caused problems, as those officers perceived to be more helpful or trustworthy were put under strain as they became overwhelmed with requests for help from prisoners.

In some halls the review team observed staff staying behind their desks and choosing not to initiate casual conversation with prisoners. In HMP Inverness, for example, during one observation visit six staff were observed working in a single hall but only one was observed to interact with the prisoners, and several prisoners in that hall said they did not know who their personal officer was.

In other prisons, interviewees felt that while some staff were friendly, they did not have time to talk to them in depth or build good relationships with them. Remand prisoners noted the significance of this, telling us that staff who did not make an effort to interact with them did not know their names or anything about them made them feel like they were "not a human being" or "just a number". One man in HMP & YOI Grampian told us that more informal conversation between prisoners and staff would help the prisoners feel "more like human beings". The effect of failing to build relationships was clear in one instance in which a remand prisoner disclosed to the review team that he had not attended any activities or accessed any services since arriving in prison because he was unable to read or write. However, none of the hall residential staff were aware of this fact, and so had not realised the need to offer him any support or assistance.

Trust and Help

Interviewees were asked whether there was at least one member of staff they could trust to turn to if they had a problem. In general, respondents said there were "good and bad" staff, but the general sense was that most knew of at least one member of staff they would trust to speak to. Some named specific officers who they trusted and would feel able to turn to if they had a problem. A small number insisted that they did not trust any staff members, and several pointed out that it is difficult to know who to trust when first arriving in prison. Generally, respondents appeared satisfied that if they needed help, there were members of staff who would do their best to assist them. Again, prisoners pointed out inconsistencies between individual staff members and staff on different halls, and many felt that only specific staff could be relied upon to try and help them. This view was reflected in the review team's observations, during which several instances of staff making efforts to deal with time-consuming issues were noted, while in a handful of instances staff appeared unwilling to respond to prisoner requests for help.

A further issue that several interviewees raised was that even when staff were well-intentioned, often due to inexperience or poor communication they did not know the procedures for helping with certain matters.

Some foreign national prisoners told us they found it particularly difficult to access help from staff. Several told us that they struggled to interact with staff or understand what was going on around them, their rights or the services available to them, or access relevant translation services.

One foreign national, for instance, told us she found life difficult because all information in the hall was in English and staff had not enabled access to translations or interpretation services. She said she had not been told that she could request translations, or that she could sign up for English lessons.

Allegations of Abuse

More than half (53%, n = 454) of remanded survey participants reported having witnessed prison staff members abusing, threatening, bullying or assaulting other prisoners. Almost two in five (39%, n = 448) said that they themselves had been abused, threatened, bullied or assaulted by a staff member.

A small minority of interviewees reported verbal and physical abuse by prison staff. For example, one told us he had been punched by an officer, while another said he had witnessed staff members pushing a prisoner to the ground.

Several remand prisoners reported being sworn at and called offensive names by officers, particularly among remand prisoners in HMP Barlinnie. Officers swearing at prisoners was observed by the review team in HMP Barlinnie on several occasions during the review. Those remanded on sex offence charges in several establishments also reported staff verbally abusing them and referring to them as "beasts" due to the nature of their alleged offences.

Summary

- Several remand prisoners highlighted the difference positive staff attitudes made to their sense of wellbeing, with a clear difference in experience for those who felt staff tried to get to know them personally and treat them as "human beings", as opposed to who were perceived as seeing them as "just a number", without even knowing their names.
- Overall remand prisoners were quite positive about their relationships with staff, but they did highlight inconsistency in staff attitudes towards prisoners, and pressure on "good" staff.
- There was a general sense that remand prisoners tended to know of at least one officer they felt they could trust if they had an issue.
- A small number of allegations of staff abuse were disclosed to the review team, particularly verbal abuse.

Recommendations

The SPS should ensure:

- The good practice found in this review, where staff are seen by prisoners as attentive, supportive and helpful, is the norm across the prison estate.
- Anti-bullying procedures include measures to report and resolve issues between prisoners and staff as well as between prisoners.

Health and Wellbeing

Background

Concerns have been raised in the recent literature about both the health of remand prisoners and their access to healthcare services. In Scotland, some have raised concerns about poor access to healthcare, certain medical services and procedures being unavailable to those on remand, loss of medication on arrival in prison and delays in transferring health records when an individual arrives in custody.³⁵ All of these issues were found to be concerns for remanded interviewees during this review.

Access to Health Services

The main concerns remand interviewees raised were regarding timely access to health services. Most remand prisoners (87%, n = 395) reported that they were seen by a health professional within 24 hours of arriving at the prison, and that they knew how to access healthcare within the prison (90%, n = 410). However, several interviewees told us that while they were given quick access to a health professional on arrival, it was difficult to access to healthcare again after that initial meeting.

Fewer than half of remand prisoners (45%, n = 401) told us it was easy to access a nurse or nurse practitioner; and only a quarter (26%, n = 397) said it was easy to access a doctor. Several interviewees highlighted difficulties accessing dental services, an issue reflected by the survey results, in which only 18% said it was easy to access a dentist (n = 362). Dental care was a particular issue for remand interviewees across most prisons; many of whom said they were told remand prisoners could not access a dentist unless it was an emergency.

When asked about access to medical services, generally remand interviewees spoke of long waiting lists meaning that it was difficult to access routine medical care. For example:

One interviewee described accessing healthcare as “a shambles”, with requests “taking weeks” and “the only time you get a quick reaction is when it’s a code blue” [i.e. a critical emergency]. He told us he had an accident, and it took three weeks for a member of the health team to see him about the resulting injury. (HMP Addiewell)

Support for Disabilities and Long-Term Health Conditions

More than half (56%, n = 420) of remand prisoners told us they had a disability or long-term health condition. Significantly fewer remand prisoners with disabilities and/or long-term health conditions reported receiving good quality support to manage these compared to their convicted peers. While 51% (n = 479) of convicted survey respondents with a disability or long-term health condition said they received good or neutral support for managing their conditions, only 43% (n = 222) of remand prisoners said the same.

One interviewee told us that during his admission health check he was diagnosed with a new health condition and told he would need prescription medication for it. However, he had heard nothing more from the health team after nine months on remand and was now worried about his condition. (HMP Addiewell, male)

35 Currie (2019); Scottish Parliament Justice Committee (2018); Howard League Scotland (2021).

One man told us he had a skin condition which was exacerbated by the temperature of the showers. When he asked, he was refused access to a cooler shower to help ease the pain. It took several months of requests to get access to the prescription he had previously had in the community to manage his condition. (HMP Barlinnie, male)

Another man told us about a long-term health condition for which he required special equipment which he had not been given access to despite putting in a complaint. He was also given a single cell marker because of his condition, which he believed was removed due to overcrowding. (HMP Barlinnie, male)

Mental Health

The mental health of remand prisoners, and access to mental health support, is of particular concern. Recent research has noted that remand prisoners are particularly vulnerable to mental disorder and substance use issues given the level of uncertainty and stress they face,³⁶ and remand status has been highlighted as a risk factor for suicide and self-harm.³⁷ In Scotland in 2024, the suicide rate among remand prisoners (202.4 per 100,000) was much higher than among convicted prisoners (100.4 per 100,000).³⁸ In Scotland and elsewhere in the UK, the justice system has been criticised for the use of remand for individuals who are perceived to be a danger to themselves or others due to poor mental health.³⁹

Some studies suggest that being on remand may trigger or exacerbate mental health concerns due to the vulnerable and uncertain situation remand prisoners find themselves in, coupled with the often chaotic, noisy and volatile halls they are held in, and the lack of physical and mental activity to serve as a distraction. In a 2022 study commissioned by the Scottish Government, professional stakeholders reported that prisons “were the wrong place to try and meet the multiple complex needs that most of those who are in custody currently have”. These stakeholders suggested that substance use was often seen as a logical coping mechanism in response to living in a stressful and chaotic environment.⁴⁰

This review found mental health to be a substantial concern for remand prisoners, with 75% (n = 442) of remand survey respondents reporting that they had needed support for their mental health during their time in their current prison. This was a significantly higher percentage than among their convicted peers (64%, n = 1,087).⁴¹

Many interviewees described the negative effect on their mental health of having been remanded. Some told us their mental health had deteriorated as a result of the uncertainty of their situation:

One man told us that he was affected by the feeling of not knowing what was happening or when anything would happen, telling us “[I] just want to know where I am going, not to be left in limbo”. (HMP Barlinnie, male)

Another man told us that he had only just been given a date for his trial, but that it would have been helpful for his mental wellbeing to have known this date from the beginning of his remand period to decrease the uncertainty of his situation in prison. (HMP & YOI Grampian, male)

36 OHNR (2010); O'Connor (2023); Freeman and Seymour (2010); Davoren et al. (2015); Andreade et al. (2023); Graham et al. (2012); Perkins et al. (2022).

37 Humber et al. (2013); Tomczak (2022).

38 Armstrong et al. (2025).

39 Howard League Scotland (2021); Tomczak (2022).

40 Perkins et al. (2022).

41 Chi square: $X^2 = 17.17$, $df = 1$, $p = <.001$.

Others reported struggling with their mental health because of being separated from their families, particularly their children:

One man described “bouts of depression” and feeling “stressed about [my] situation” because he was unable to see his young children. (HMP Barlinnie)

Some described deteriorating mental health as a result of the physical and social environment in which they were held and the lack of mental stimulation given the long periods many remand prisoners spent locked up:

One interviewee told us she had self-harmed and felt suicidal earlier in her stay. She told us that being locked in her cell for long periods contributed to her poor mental health. (HMP & YOI Grampian, female)

A man in the same prison reported that he felt that “his brain goes to sleep when [I] have nothing to do” and that he was “rotting away in a cell”. (HMP & YOI Grampian, male)

Another man in HMP & YOI Grampian who did not have a job and spent most of his time in his cell told us that he felt that he was “losing the plot” and that having a prison job would help him cope. (HMP & YOI Grampian, male)

On the other hand, some of those in prisons where remand prisoners were able to spend long periods unlocked, such as HMP Addiewell, spoke of the “anxiety” and “stress” of spending so much time unlocked on the halls. As one man in Addiewell reported:

“Being open all day is awful and leads to brain damage... you go crazy being about all day on the hall”. (HMP Addiewell, male)

A man who was held in a Separation and Reintegration Unit (SRU) told us that he did not feel safe on mainstream halls because of the likelihood of his mental health problems causing him to lose control of his actions, and the lack of care he felt he received from residential hall staff. As a result, he felt happier and safer in the SRU where he felt better cared for and more in control of his actions. (HMP Barlinnie, male)

The small size and poor state of some cells were cited as contributing to poor mental health, with some people reporting finding it difficult to spend such a long time in such a small cell.

One man told us his mental health had “deteriorated” in prison: “my mental health issue has been with my small cell, and there is really nothing I can do about that”. (HMP Dumfries, male)

Another man told us that he suffered from obsessive compulsive disorder (OCD) and found the poor state of his cell and toilet very challenging to cope with as it exacerbated his OCD symptoms, leaving his mental health “badly affected”. (HMP Addiewell, male)

Several interviewees noted a connection between deteriorating mental health while on remand, and remand prisoners turning to illicit drug consumption to cope. Across different prisons, remand prisoners reported themselves and others “self-medicating” with illegal substances and/or prescription drugs to cope with the mental toll of being on remand.

"A lot of the men on the hall are a bit mad and self-medicate with drugs and that". (HMP Addiewell, male)

One man who had a passman job said that his mental health was not affected by being in prison because he had a job and kept active, but that he noticed that often other "people take drugs because they are bored and don't have anything to do or another person to talk to". (HMP Barlinnie, male)

Positive initiatives for mental health

A small number of interviewees did highlight activities that had helped their mental health while on remand. They all stressed the importance of getting time out of their cells and taking part in activities. One man, in HMP Addiewell, for example, spoke about the importance of going outside every day for fresh air, attending the gym, and going to yoga. He told us that yoga was beneficial because "it de-stresses you and you can leave your baggage at the door".

The small number of interviewees who had jobs, mostly as passmen, spoke about the importance of this to their mental wellbeing, as it gave them something to do and time out of their cells. In one prison, one interviewee told us he did not have an official prison job, but staff allowed him out of his cell to help with cleaning. He told us that doing so was good for his mental health as it allowed him to move around and socialise.

Access to mental health support

Despite reporting high levels of need for mental health support, across the board, participants generally told us it was difficult to access this support. Of remand prisoners who said they needed mental health support, less than half (47%, $n = 332$) said they had received support in the prison, compared to 61% ($n = 700$) among convicted respondents.⁴² Only 25% of remanded survey respondents reported that it was easy to access mental health support services in their current prison, while 53% said it was "very difficult" and 22% said it was "quite difficult" ($n = 335$).

This chimes with the recent literature on remand in Scotland, which suggests that remand prisoners often do not get access to the mental health support they need.⁴³ Difficulties include: the reduced ability for health workers to undertake meaningful work with remand prisoners; a lack of structured programmes for remand prisoners; and the restriction of referrals to psychological services for remand prisoners given the potentially short amount of time they might stay in prison.⁴⁴

Across the estate, remanded interviewees told us about difficulties accessing mental health support in prison:

In HMP Edinburgh remand prisoners told us about very long waiting lists for mental health support. One man told us he had been waiting over eight months to see a psychologist, while another had been waiting six months. He told us that he was using spice every day to cope while he waited for professional help. (HMP Edinburgh, male)

One woman told us she had been taken off the medication she had been prescribed in the community for several mental health conditions but had still not had any psychiatric support four weeks into her stay. (HMP & YOI Polmont, female)

42 Chi square: $X^2 = 18.356$, $df = 1$, $p = .<001$.

43 Scottish Parliament Justice Committee (2018); Howard League Scotland (2021).

44 Perkins et al. (2022); Gilling McIntosh (2023).

Several remand prisoners in HMP Barlinnie told us that it took too long to access mental health support, with access described by one man as “a waiting game” and “very difficult”. One man told us that he has mental health problems but “I’ve got nobody to turn to”. Another said the prison medical team had changed his mental health medication dosage when he arrived without consultation with his community GP, leaving him unable to sleep but he had not been able to see a doctor to rectify the problem. (HMP Barlinnie, male)

In HMP & YOI Grampian, one man told us he had a three-week delay in accessing his usual medication when he arrived, resulting in him self-harming. He said he was on a waiting list to see a psychiatrist but had not yet been given a date for an appointment, 10 weeks into his remand period. (HMP & YOI Grampian, male)

A foreign national remand prisoner in HMP & YOI Grampian told us she had self-harmed and was waiting for a psychology appointment but had heard nothing. Healthcare staff told us that her care had been hindered by failures in the interpretation service. (HMP & YOI Grampian, female)

Quality of Mental Health Support

Few of the remand prisoners we spoke to were able to comment on the quality of mental health services because most had not been able to access any support. However, among the survey respondents, only around one-third (34%, n = 306) said that the quality of mental healthcare service was good. Of those who specifically told us that they had needed mental health support in prison, 21% said they had received helpful support, while the remaining 79% said they had either not received any support, or the support they had received had not been helpful (n = 333).

Medication

Medication was raised as an issue by a small number of interviewees across the estate. The major issue was being taken off medication that had been prescribed in the community, having their doses changed, or having long gaps without medication on arrival into custody.

One man told us that he was unable to access his usual medication for three weeks after being remanded, which led to him self-harming. (HMP & YOI Grampian, male)

Another man told us that he was refused a continuation of the prescription he had had in the community when he arrived in prison. As a result, he said he began self-medicating with illicit substances, leading to him being put on report which then led to a second refusal of the medication he had access to in the community. (HMP Addiewell, male)

A second issue was access to medications at the correct time of day. Several participants told us that because of the timetabling of the prison regime, they were obliged to take their medication at inappropriate times.

One person reported being obliged to take their sleeping pills too early in the day, at 4.30 pm. (HMP & YOI Polmont, female)

Another man said the overnight medication he was given to treat a serious condition had to be taken too early, “before the nurses go home”, leaving him worried that its effects would not last until the first medication morning round, with potentially serious consequences. (HMP Dumfries, male)

Substance Use and Addictions

Substance use has been identified as a significant issue among remand populations.⁴⁵ Several interviewees and staff expressed concern about the prevalence of illicit substances within the prisons, with prisoners describing boredom and deteriorating mental health as factors in decisions to use illicit substances. More than one-third (38%, n = 432) of remand respondents reported having needed support for alcohol use while in their current prison, and more than half (52%, n = 436) said they had needed support for drug use while in their current prison, suggesting a high need for addictions support among the remand population. Notably, a greater proportion of remand prisoners said they had needed support for alcohol and drug use than convicted prisoners (26% (n = 1,067) and 38% (n = 1,086) respectively). Both differences were statistically significant.⁴⁶

Needed support for alcohol use while in this prison? ⁴⁷				
	Remand		Convicted	
Yes	166	38%	279	26%
No	266	62%	788	74%
Total	432	100%	1067	100%
Needed support for drug use while in this prison? ⁴⁸				
	Remand		Convicted	
Yes	228	52%	415	38%
No	208	48%	671	62%
Total	436	100%	1086	100%

While some interviewees told us they had arrived in prison with pre-existing issues with drugs or alcohol, others told us that they had turned to substance use as a coping mechanism inside the prison. Others told us they or others were self-medicating with illicit substances because of the long waiting times for mental health appointments.

One man told us that he had resorted to smoking spice because he had been waiting over eight months for a psychology appointment and used spice in the meantime "in order to cope". (HMP Edinburgh, male)

Another man told us that he was self-medicating in prison because he had been denied access to the medication he had been prescribed in the community. (HMP Addiewell, male)

Interviewees across much of the estate reported that it was generally possible to get a referral to addictions services while on remand, but that the waiting times were very long. Fewer than half (40%, n = 293) of remanded survey respondents said it was easy to access addictions services, compared to half (50%, n = 676) of convicted respondents.⁴⁹ Of those who said they had needed

45 E.g. Perkins et al. (2022).

46 Needed for support for alcohol use chi square: $X^2=22.207$, $df=1$, $p<.001$; needed support for drug use chi square: $X^2=25.277$, $df=1$, $p<.001$.

47 Chi square: $X^2= 22.21$, $df=1$, $p<.001$.

48 Chi square: $X^2= 25.28$, $df=1$, $p<.001$.

49 This difference was statistically significant; chi square: $X^2= 7.53$, $df=1$, $p=.006$.

support, half of remanded respondents said they had been given support for alcohol use (50%, n = 167) and more than two-thirds (67%, n = 228) said they had been given support for drug use. Of those on remand who said they had needed support for alcohol use, just over one-quarter (27%, n = 167) said they had received support which had been helpful. Meanwhile, of those who said they had needed support for drug use, 43% (n = 227) said they had received support which had been helpful. The small number of interviewees who had been able to access addictions services such as Recovery Cafes while on remand, generally spoke positively about these services. Several credited the prisons' addictions workers with helping them "stay clean" and deal with their substance use.

Summary

- Most remand prisoners (87%) said they were seen by a health professional within 24 hours of arriving at their current prison.
- A major concern was the difficulty of accessing medical appointments, with less than half of remand prisoners (45%) saying it was easy to access a nurse, and only a quarter (26%) saying it was easy to access a doctor. Only 18% said it was easy to access a dentist, with many interviewees reporting that remand prisoners could only access emergency dental care.
- Remand prisoners who said they had a disability or long-term health condition were significantly less likely than their convicted counterparts to say they had received good or neutral support to manage their condition (43% vs 51%).
- Many remand prisoners expressed concern about their own and others' mental health. 75% said they had needed support for their mental health while in prison. Many told us that their mental health issues were exacerbated by prison life but that they struggled to get the support they needed. Only 25% said it was easy to access mental health support.
- A small number of remand prisoners told us about activities that helped with their mental health, such as working, gym and yoga. However, in the main remand had very limited access to these activities.
- Medication was a particular cause for concern, with remand prisoners reporting issues including being taken off their prescribed medication on arrival in their current prison, having breaks in their medication, and being forced to take medication at the wrong time of day.
- Over half (52%) of remand prisoners said they had had an issue with drug use while in their current prison and over one third (34%) said they had had an issue with alcohol use. Only two-in-five (40%) remand prisoners said it was easy to access addictions services in prison.

Recommendations

The SPS and NHS should ensure:

- Remand prisoners receive an equivalence of physical and mental health provision and addiction support, irrespective of the prison they are in, both with their convicted counterparts and as in the community.
- The needs of those with long-term health conditions and disabilities are met.
- There is no break in the availability of prescribed medication for newly arriving prisoners, wherever they are incarcerated.
- There is good communication between SPS, NHS, and other relevant partners about critical dates (court appearances, bail consideration etc.) when a patient's circumstances might change.
- That relevant health services are in place for all remand prisoners who are liberated from court.
- Systems are in place to follow up missed health appointments caused by external factors such as court appearances.
- Remand prisoners do not start using substances for the first time while remanded in custody.

Communications and Family Contact

Background

Family contact is a vitally important source of support for remand prisoners in Scotland given their limited access to other support services and purposeful activity.⁵⁰ As Williams et al. 2013 noted among remand prisoners, “missing people [is] a major negative form of impact of imprisonment.”⁵¹ Given that a high proportion (55%, n = 399) of remand prisoners reported having children under the age of 18, maintaining strong family contact while in prison is all the more important.

According to the Scottish Prison Rules, remand prisoners in Scotland are entitled to daily visits from Monday to Friday, and an additional 30-minute visit at the weekend if they have not had visits every day during the week. However, this high dependence on family visits for support can put financial and emotional pressure on family members, who may face long journeys to reach the prison, or feel intimidated by the experience of visiting loved ones in prison.⁵² It can also cause difficulties for those remand prisoners who do not receive visits, as they cannot access the same level of family support as their peers.⁵³

Remand prisoners are also often heavily reliant on good communication systems to deal with their legal cases and domestic affairs such as retaining housing and employment and managing their finances. However, dealing with such issues from prison is often difficult. For example, many systems are set up primarily for online use or require interactive telephone voice response options, neither of which can be used from prison cell telephones.⁵⁴

Visits

Under Rule 64 of the Scottish Prison Rules, untried prisoners are entitled to daily weekday visits from family and friends. If they have not received a visit every day during the week, they are entitled to an additional visit of at least 30 minutes at the weekend. In some establishments, respondents reported having access to this entitlement, e.g. HMP Addiewell and HMP YOIs Stirling and Polmont. Some establishments where fieldwork took place did not adhere to this legal requirement. For example, in HMP & YOI Grampian, remand prisoners reported not being offered daily visits, and some remand prisoners interviewed in this establishment said they were not aware of this entitlement.

The Pre-inspection Survey further suggested that a substantial proportion of remand prisoners did not get the opportunity to receive visits as often as they should according to the legislation. More than one third of remanded respondents (36%, n = 338) reported not being given an opportunity for in-person visits every week. While the reasons for this are not clear, and it is possible, for example, that some of these respondents actively chose not to receive visits, it is nevertheless of concern that such a sizeable proportion of the remand population reported not having an opportunity for weekly visits, given the legislative requirement to offer daily visits.

⁵⁰ Howard League Scotland (2021).

⁵¹ Williams et al. (2013).

⁵² Nugent (2023).

⁵³ Howard League Scotland (2021); Nugent (2023); Scottish Parliament Justice Committee (2018).

⁵⁴ Citizens Advice (2021).

Interviewees who did receive visits generally spoke positively about their experiences, with the process of booking and attending visits reported to run smoothly. However, in establishments where remand visits only lasted 30 minutes, some felt that this was too short. In some prisons, those with children were able to access bonding visits with their children and spoke positively about these.

When asked whether visitors were always treated with respect by prison staff, only two-thirds of remand respondents (66%, n = 331) said that this was the case all or most of the time. Moreover, a substantial proportion of interviewees told us they did not receive in-person visits for a variety of reasons, including having nobody to visit them; finding visits too upsetting; not wanting their family to see them in prison; family being unable to visit; and hoping not to be in prison for long.

Some interviewees told us they had used virtual visits, although there were mixed reports about the quality of these. While some said virtual visits were smooth and well-organised, others reported that they sometimes failed due to technological issues. Other barriers to accessing virtual visits included: lack of awareness of virtual visits; fear of video calls being traced by gangs; and family members' lack of access to the necessary technology or technological skills. In some establishments, prisoners reported not having been aware that they could access virtual visits. One man in HMP Edinburgh, for example, told us that he had not received in-person visits because he did not want his family to go through the stress of a prison visit, but he would have used virtual visits if he had known the option was available.

Phones

According to SPS policy, all remand prisoners are entitled to access to an in-cell phone and 200 free minutes per month to make private calls. Prisoners can top-up their minutes each month via their canteen spending. However, the maximum spend for remand prisoners is £40 per week, including both phone top-ups and canteen spending (spending on toiletries, food, etc.). Most interviewees expressed satisfaction with their access to the phone and were grateful for the 200 free minutes which helped them keep in touch with family and friends. Many felt that this was sufficient to maintain contact with family and friends. Several felt the move to in-cell phones had been a positive change, allowing them greater privacy and freedom in their phone calls compared to the previous system of using phones installed on the landings.

However, some noted that if they shared a cell, it was difficult to make private phone calls given the long periods of time remand prisoners were locked up. Moreover, some felt that it was difficult to keep in contact with their families with only 200 minutes per month (an average of six to seven minutes per day) and those without jobs or money sent in from family members had no means to buy extra phone credit. Some said that they found it difficult to buy as much phone credit as they needed because of the high cost and the need to spread their weekly spending allowance across phone calls and canteen items such as toiletries and food. As one woman explained, she spoke to her partner on the phone every day, but because of the limited amount she was able to spend on the phone, "it is just enough to start a conversation, not [enough] to have it." Even those with jobs felt that the money they earned did not go far enough to enable extended phone conversations.

Several respondents, particularly those in HMP Barlinnie and those with family abroad told us that they were not able to make a phone call to family on their first night in prison, which caused distress in some instances as they were unable to let family members know where they were.

Contact abroad

Several interviewees had problems staying in contact with family members outside the UK. Several remand prisoners reported being unable to phone abroad from their cell phone, meaning that they could not use their allocated free minutes to speak to their families. In some instances, interviewees reported having been helped to find a way for their families to access UK phone numbers which would enable calls from their prison cell phone. One man, for example, told us that when he first came to the prison he was unable to speak with his family for a week because they were abroad. Eventually he managed to get the family access to an app that would allow him to call them. However, another man told us that he asked staff multiple times about how he could communicate with his family abroad but said that this request “was just ignored”, leaving him feeling “alone and helpless”. He said he had no help to facilitate calls to his family, causing him distress as he knew his family would worry if they did not hear from him.

Other Communications

Overall, participants reported that it was straightforward to stay in contact with their legal representatives. Some said they had received good support from the prison to stay in contact with their lawyers, and others gave examples of prison staff helping them to do so. However, in some prisons, most notably HMP Barlinnie, some respondents said they were not given the opportunity to phone their lawyer on the day they arrived in the prison. Others noted that their legal calls used up all their phone credit, leaving them unable to speak to family members on the phone.

Similarly, some respondents reported getting the support they needed to deal with administrative issues such as housing, bills payments, benefits, and contacting their employers on arrival into custody. In some establishments, such as HMP Barlinnie and HMP Dumfries, participants reported getting helpful support from third-party agencies based in The Hub (Barlinnie) and the Link Centre (Dumfries).

However, several respondents across a number of prisons, most notably HMP Barlinnie and HMP & YOI Stirling, reported having problems making important phone calls, particularly on their initial arrival into prison to deal with housing, bills, employment and social work. Some said they were unable to phone their employers on arrival into prison to let them know they had been taken into custody. Some who were struggling to deal with personal administrative business told us they did not know who to ask for help, and many did not know whether they had a personal officer, who should have been their main point of contact for help with such issues.

Summary

- It was notable that not all remand prisoners were aware of, or offered, their legal entitlement to daily visits.
- Some remand prisoners told us they did not know about the availability of video visits.
- Those who received visits were generally positive about visit arrangements.
- Some, particularly in HMP Barlinnie, reported not getting the phone calls they should be entitled to on arrival into custody (two phone calls to family/friends plus one to a legal representative).
- The move to in-cell telephones and the 200 free minutes per month were generally seen as positive, but those in double cells highlighted the lack of privacy for phone calls
- Those without any income from outside the prison said their phone time was limited by lack of funds.
- Several said that it was difficult to buy enough phone credit with the weekly limit on canteen spending, including phone top-ups.

- Concern was highlighted that those whose families resided abroad were unable to maintain family contact due to a lack of visits, not knowing about video visits, and the cost and logistics of phone calls to foreign numbers.

Recommendations

The SPS should ensure:

- All remand prisoners know about and have access to their legal visit entitlement and those with family residing abroad are aware of how to access virtual visits and are supported financially to make phone calls.
- Newly arriving remand prisoners are uniformly supported by prison staff to deal with any outstanding issues in the community.

Cost of Living

Background

Current SPS policy states that untried prisoners may work if they wish to with agreement from the prison governor, provided that doing so does not come at the expense of work being available for convicted prisoners.⁵⁵ It further states that if work is available for remand prisoners, priority should be given to those who have no access to prisoner personal cash (PPC).⁵⁶ However, while convicted prisoners without work are given a "cell wage", to provide them with a small amount of income, there is no obligation on the SPS to provide non-working remand prisoners with a cell wage. As a result, the majority of remand prisoners who do not have prison jobs receive no earnings within the prison. This puts pressure on prisoners' families to meet their loved ones' financial needs while they are in prison to pay for items such as supplementary toiletries, food and phone credit, on top of the costs of travelling for visits.⁵⁷

Remand prisoners with access to money from outside the prison, either from their own funds sent in by family or friends, or money given from family or friends, are permitted to spend up to £40 per week on canteen items and phone credit. However, those without outside family support are limited to 200 free minutes per month, and a means-tested £1 weekly payment from the SPS towards phone or canteen spending. This lack of income heightens the risk of building up debts to other prisoners, which in turn puts them at risk of violence.⁵⁸

Cost of Living

While some interviewees told us that they were lucky to be able to afford phone calls and items that they needed thanks to having a job or income sent into them from family, many said they struggled due to a lack of income. Phone access was a particular issue for a number of interviewees. As discussed earlier in the report, several spoke about having to limit their phone use because they could not afford to purchase extra phone credit beyond the 200 free minutes per month provided by the prison.

A group of young men in HMP & YOI Polmont told us the prices of phones were too high, and that they would quickly run out of money speaking to their solicitors. They said the expense was having a negative impact on those who did not have money coming in from their families. (HMP & YOI Polmont, male)

Beyond issues with phones, other prisoners and staff highlighted difficulties accessing basic items like food, clothes and soap because of their lack of income. Some told us that they had witnessed other prisoners turning to selling drugs within the prison because there was no other way for them to obtain money.

Staff at HMP & YOI Polmont told us that they could normally tell which young people had no income or family support, as they wore prison shoes instead of their own. Young people all told us they wanted more to do and to have a chance to earn some money. (HMP & YOI Polmont, male)

⁵⁵ Scottish Prison Service (2012).

⁵⁶ PPC refers to cash in a prisoner's personal account usually derived from their own personal or family funds, or from income from their prison earnings.

⁵⁷ Nugent (2023).

⁵⁸ Parkhead Citizens Advice (2021).

Some of the young men told us they got extremely hungry on Friday nights as dinner was served at 4.30 pm and then brunch was at 11 am on Saturday morning. One told us: "I don't have money coming in so can't buy from canteen sheet. I feel physically sick on Friday nights with hunger". (HMP & YOI Polmont, male)

Some women in HMP & YOI Grampian told us they had difficulty getting clothing, underwear and toiletries. One woman said that without any income, it was hard to get clothes. She was wearing winter clothing in the middle of summer because she had nothing else. Another woman said she was allergic to the prison soap but had no money to purchase better soap and shampoo from the canteen. (HMP & YOI Grampian, female)

A woman in HMP & YOI Stirling pointed out that remand prisoners only received £1.85 per week, which for her meant spending 85 pence on a stamp, and having £1 left over for anything else she needed that week. (HMP & YOI Stirling, female)

One man told us that because many remand prisoners have no income, they will "do anything" to get money, including selling drugs. (HMP & YOI Grampian, male)

Even those who did have access to PPC, either through work or money being sent in from family, often told us that they struggled to get by because there was a £40 limit on the amount they could spend on the phone and canteen each week. Many felt this did not stretch far enough given the prices of canteen items.

Summary

- Many remand prisoners told us that they struggled with the cost of living as the majority could not access jobs and were not entitled to a cell wage. Anyone without work or financial support from outside the prison had little ability to pay for items they needed from the canteen or extra phone credit.
- Many remand prisoners told us that they wanted to work to pay for phone calls and essential items that they needed, but they struggled to get jobs due to the SPS policy of prioritising work for convicted prisoners.

Recommendations:

The SPS should ensure:

- Non-working remand prisoners receive a cell wage.
- Remand (and all) prisoners can spend their own private money on phone credit in addition to the canteen spending limit.

Preparation for Release

Background

In 2022-23, 4,836 people in Scotland were liberated from remand. Of these, 76% (3,683) were liberated from court, while most others (999, 21%) were given bail.⁵⁹ Even a short remand period can lead to social stigma and the loss of an individual's home, possessions, job, relationships, children, and ties to their communities.⁶⁰ Given the large number of releases from remand, it is therefore important that these people are adequately supported to return to the community.

The literature highlights numerous examples of those who have been remanded not being able to access the support they need to rebuild their lives if they are released. In some instances, remand prisoners are released with little or no warning, for example when a case against them has collapsed, sometimes at problematic times of day, and sometimes without a home or job to return to.⁶¹ And unlike convicted prisoners in Scotland, remand prisoners are not entitled to a discharge grant, but may have to wait several weeks for benefits payments to be reinstated after liberation.⁶²

A study of remand prisoners at HMP Barlinnie conducted by Parkhead Citizens Advice found that accessing and navigating the benefits and housing systems, and the interactions between the two, could be extremely difficult for remanded prisoners. Moreover, remand prisoners were treated differently depending on their housing and employment situations. For example, those in receipt of housing benefit appeared to be treated more favourably than those in receipt of universal credit or those paying their own private rent or mortgage. The same report also notes that many of those who were released from remand suffer unfairly from financial issues including: loss of national insurance contributions; struggling to deal with their financial affairs due to poor communications from inside prison; losing access to disability benefits (personal independent payment) after 28 days on remand with no right to have payments backdated if they are not found guilty; and having to wait five weeks to access universal credit payments after release from prison.⁶³

Moreover, given the lack of purposeful activity, mental health support or rehabilitative opportunities available to remand prisoners, the literature suggests that many remand prisoners leave prison not only facing practical challenges to living well in the community but also facing psychological barriers to restarting their lives outside prison.⁶⁴

Uncertainty about Release

Our participants were asked about their preparations for returning to the community should they be released from remand. A relatively common response was that participants did not wish to think about their possible release or make plans for it. In some cases, participants felt they had a good chance of being released directly from remand, but worried about raising their hopes too much by planning for their release. In other cases, participants did not think it necessary to make plans for release as they expected to be convicted and to stay in prison. As one man put it, he did not expect to be released soon so was not "thinking too much about what I'll need".

⁵⁹ Scottish Government (2023).

⁶⁰ Armstrong (2022); Corston (2007); Howard League (2021); Masson (2021); Citizens Advice (2021); Currie (2019); O'Connor (2023).

⁶¹ Gilling McIntosh et al. (2023).

⁶² Citizens Advice (2021); Scottish Parliament Justice Committee (2018).

⁶³ Citizens Advice (2021).

⁶⁴ Scottish Parliament Justice Committee (2018); Currie (2019).

Others appeared inhibited by the uncertainty of their situation, with some remand prisoners noting that they did not know when their court case would be, who their lawyer was, how likely it was that they would be released, or how to contact the services they would need to ensure a smooth transition back into the community. One man, for example, told us that he expected to be released from remand, but did not feel he could make any decisions or plans until he knew the date of his trial. Like him, many reported having been on remand for several months with no indication of when their trial would take place. Another man did not know when his trial would take place, despite spending over 20 months on remand, having had his court date postponed.

Optimism about Release

Those who were more proactively thinking about their release reported mixed experiences and expectations. Those who expressed confidence and optimism about supporting themselves after release, generally did so due to several specific factors not available to many remand prisoners: strong family support; home ownership; self-employment; and previous employers or family members being willing to offer them a return to employment.

Some owned their own accommodation, to which they would be able to return, while others would be able to stay with family members. A few who had lived in rented accommodation, said they had been given support on arrival at prison from the job centre to ensure their payments were made until they knew what would happen next. Several said their employers had kept their jobs open for them to return to on their release, while others were self-employed or were able to return to family-run businesses. A handful who did not have specific jobs to return to expressed confidence that they would not have difficulty finding work due to their past work experience.

This sense of separation between those with support and those without was summed up by a young man in HMP & YOI Polmont who told us that he expected to be released from remand in the next few weeks and would move into a grandparent's home and return to his job in the catering industry. However, he said that he "feels bad for the boys who don't have that to go back to", commenting that he knew others who had arrived in the prison after "sleeping rough", who would have no support and nowhere to go on their release.

Worries about release

With almost one in ten (9.1%) of all arrivals into custody coming from no fixed abode, and more losing their homes once in custody,⁶⁵ concern about accommodation was a common theme among those we spoke to about their potential release. While some had been homeless before being remanded, others reported having lost their houses as a result of the length of time they had been on remand. Some reported that their rental accommodation was secure until their next court date, but if they were not released at that point, they would lose their accommodation.

As a result, a recurrent concern was uncertainty about where they would live. Some reported being worried about being placed in hostels on release.

One man told us that last time he was released he was placed in a "disgusting" hostel. This time, if he were to be released, he would still have no home to go to, but was "dreading" returning to a hostel. (HMP Barlinnie, male)

Another man in the same prison told us that he had been homeless before being remanded, and expected to sofa-surf on his release because he did not want to stay in a hostel. (HMP Barlinnie, male)

⁶⁵ Scottish Government (2023).

Several female prisoners in HMP & YOI Stirling expressed similar concerns, with several women fearful of being placed in hostels on release. (HMP & YOI Stirling, female)

Support for Release

While some respondents reported having received help to access support for accessing housing and jobs, it was common that participants cited lack of support as a particular problem. As one man in HMP Addiewell recounted, he had needed support to find housing and jobs on leaving remand in the past but had found it “really difficult to find” any help beyond “temporary fixes”.

Some people with court dates coming up soon reported having received support while in prison to access accommodation on their release. One woman, for example, reported that she had been given help to explore the option of moving into a detox unit if she was released after her court appearance. She reported that the SPS had been helpful in assisting her to do this. A handful of male prisoners also reported having met with social work to discuss their housing options. However, this support appeared disjointed across the estate, with some prisoners with upcoming court dates reporting not having been offered any support. Some people were not sure how or when to access support, while others felt uncomfortable asking for the help they needed. Others reported wanting support, but believed it was unlikely that they would be offered any.

A recurrent theme in conversations about release was people’s uncertainty about, and unpreparedness for, transitioning back into the community. Where people did not have accommodation and/or jobs lined up, they expressed a range of worries, including the risk of being homeless, the risk of returning to a local community where drugs were rife, and finding it difficult to navigate life outside prison. Some, both male and female, reported having spent much of their lives in prison, and having been given little or no support while on remand to develop the skills needed to live independently and avoid reoffending.

One woman told us she felt that she was not being given any support to transition successfully into the community: “the prison is not preparing me to avoid reoffending”. (HMP & YOI Stirling, female)

One man told us that he had no plans for what he would do if he were released from remand, and that he had previously committed crimes just to get back to prison. (HMP Barlinnie, male)

This review took place before the extension of the voluntary national throughcare service, which launched in April 2025. For the first time, this will offer release support to males leaving prison directly from remand. HMIPS welcomes this expansion and believes it is imperative that the key workers ensure that remanded prisoners’ focus on preparation for release begins at the point of entry into prison.

Summary

- It was difficult to gather much concrete evidence on preparation for release given many remanded prisoners' reluctance or inability to think about release, either because of the uncertainty of their situation or their belief that they would be convicted.
- Those who did discuss their preparations for release highlighted a number of issues, most notably anxiety about being able to access housing and a lack of preparation for living successfully outside prison and avoiding reoffending.
- There was a clear divide between those who knew they had strong family support; financial resources; support from previous employers; and/or home ownership to help them reintegrate smoothly back into the community and those who lacked family support, had no obvious source of income on release, and did not know where they would be able to live. While those in the former group generally expressed optimism about getting on with their lives when they were released, those in the latter group were worried not only about the risk of homelessness, but also falling back into bad habits, being surrounded by drugs, and engaging in offending behaviour due to a lack of support and preparation for a stable and successful release.

Recommendations

The SPS should ensure:

- Preparation for release starts at the point of admission.
- Remand prisoners have the same access to release support services as convicted prisoners.

Conclusion

This report has highlighted a number of areas of concern regarding the treatment and conditions of remand prisoners in Scotland. In some cases, we found evidence of a failure to comply with legislative requirements, while in others there was evidence of a failure to comply with the Nelson Mandela Rules, which, while non-binding, are endorsed by the UK.

Failure to Comply with Scottish Legislation

- Not all remand prisoners were aware of, or offered, their legal entitlement to daily visits under Rule 64 of the Scottish Prison Rules.
- Less than three-quarters (71%) of remand prisoners said they were offered access to their legal entitlement of one hour of exercise in the fresh air per day, under Rule 87 of the Scottish Prison Rules.

Failure to Comply with the Nelson Mandela Rules

- Many remand prisoners were sharing cells, in contravention of Rule 113 of the Nelson Mandela Rules.
- Some remand prisoners were sharing cells or halls with convicted prisoners, in contravention of Rule 112.1 of the Nelson Mandela Rules.
- The majority of remand prisoners found it difficult to access work opportunities, in contravention of Rule 116 of the Nelson Mandela Rules.
- The majority of remand prisoners reported being unable to spend more than two hours out of their cells per day, in contravention of Rule 45 of the Nelson Mandela Rules regarding solitary confinement.

Other Areas of Concern and What Do Remand Prisoners Want to See Improve?

Remanded interviewees were clear that a number of improvements would help them cope with their time spent as untried prisoners. Most notably:

- Being consistently treated with respect and care by all staff members.
- Being able to spend more time out of their cells and engaging in meaningful activity such as work, education, sports and exercise.
- Having quicker access to medical appointments, mental healthcare and addictions support.
- Living in single cells in clean, quiet conditions.
- Having the financial means, either through a cell wage or work, to afford necessary canteen items and phone credit.

Recommendations

Recognising that there are two separate aspects of the challenge of ensuring that remanded prisoners are treated fairly, humanely and that their human rights are upheld, our recommendations come in two parts.

First, we set out seven high level recommendations for the Scottish Government. These primarily target the problems within the criminal justice system that have contributed to a high number of people living on remand in Scotland in a prison system ill-equipped to provide them adequate care, support, treatment and living conditions. They also target the legal discrepancies between remanded and convicted prisoners which currently give fewer entitlements to remanded prisoners than their convicted counterparts under the law, despite their presumed innocence, and do not meet the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

We firmly believe that if these recommendations were enacted, the SPS would provide better care for its remand population for two reasons. First, a reduction in remand numbers would make this complex population more manageable. And second, it would have a legal obligation to provide the same care to remanded as convicted prisoners.

High Level Recommendations

The Scottish Government should, in partnership with the wider justice system, ensure:

- Only those who present a risk to the public are remanded in custody.
- The use of bail and other alternatives to pre-trial detention increases.
- It understands the reason for the high number of people remanded in custody in Scotland and the length of time they are remanded.
- Criminal cases are processed within the time limits set out by the Criminal Procedure (Scotland) Act 1995. For Solemn Procedures indictment should occur no later than 80 after entering custody and the trial should commence within 140 days of entering custody. For Summary Procedures, the trial should begin within 40 days of entering custody.
- The Prison and Young Offenders Institutions (Scotland) Rules 2011 ensure remand prisoners at least receive equity with convicted prisoners, whilst ensuring the rights due to them as untried citizens.
- The Prison and Young Offenders Institutions (Scotland) Rules 2011 meet the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) Rule 116 regarding the obligation to offer work to untried prisoners.
- There is a costed, fully resourced strategy to improve conditions and outcomes for prisoners held on remand.

Our second set of recommendations is for the SPS and NHS and aims to improve the care currently available to remanded prisoners who, as this report shows, frequently report not receiving the care or support they need and should be entitled to. While we strongly urge the Scottish Government to act on our high level recommendations to ensure better management of the remand population in the longer term, in the short term it is imperative that the care of remanded prisoners improves. There is a need ensure that remand prisoners across Scotland are treated with dignity and respect, that their human rights and legal entitlements are upheld, and that they are provided with adequate healthcare, purposeful activity, financial support and release support.

Recommendations for SPS and NHS

The Scottish Prison Service and the NHS should ensure:

Health and Wellbeing

- Remand prisoners receive an equivalence of physical and mental health provision and addiction support, irrespective of the prison they are in, both with their convicted counterparts and as in the community.
- The needs of those with long-term health conditions and disabilities are met.
- There is no break in the availability of prescribed medication for newly arriving prisoners, wherever they are incarcerated.
- There is good communication between SPS, NHS, and other relevant partners about critical dates (court appearances, bail consideration etc.) when a patient's circumstances might change.
- That relevant health services are in place for all remand prisoners who are liberated from court.
- Systems are in place to follow up missed health appointments caused by external factors such as court appearances.
- Remand prisoners do not start using substances for the first time while remanded in custody.

The Scottish Prison Service should ensure:

Admission into Custody

- Remanded prisoners receive notification of their rights in writing on arrival and verbally during induction. This should include information on contact with families (visiting entitlement and how to make telephone calls).
- Remanded prisoners access necessities and entitlements in the early days of custody (including phone calls, access to exercise and fresh air, showers, clean clothing and clean bedding).

Physical Environment

- The sharing of accommodation between convicted and remand prisoners ends.
- Newly received remand prisoners are allocated cells which are clean and free of graffiti.

Regime, Purposeful Activity and Time out of Cell

- No prisoner is subjected to solitary confinement.
- Work opportunities are offered to all remand prisoners who wish to work.

Safety

- Remand prisoners report feeling safe in prison.
- Staff are physically present and confident in their roles.

Relationships with Staff

- The good practice found in this review, where staff are seen by prisoners as attentive, supportive and helpful, is the norm across the prison estate.
- Anti-bullying procedures include measures to report and resolve issues between prisoners and staff as well as between prisoners.

Communications and Family Contacts

- All remand prisoners know about and have access to their legal visit entitlement and those with family residing abroad are aware of how to access virtual visits and are supported financially to make phone calls.
- Newly arriving remand prisoners are uniformly supported by prison staff to deal with any outstanding issues in the community.

Cost of Living

- Non-working remand prisoners receive a cell wage.
- Remand (and all) prisoners can spend their own private money on phone credit in addition to the canteen spending limit.

Preparation for Release

- Preparation for release starts at the point of admission.
- Remand prisoners have the same access to release support services as convicted prisoners.

Annex I: Method

This review took a mixed-methods approach, using HMIPS Pre-inspection Survey data, a literature review, qualitative observation and interviews, and data requests from the SPS.

Literature Review

A brief literature review was undertaken, focusing on recent literature on the remand experience in Scotland and the wider UK. This identified key areas of particular concern in relation to remand prisoners in Scotland, and the findings were used to inform the focus of the analysis.

HMIPS Pre-Inspection Survey Data

The analysis used HMIPS Pre-Inspection Prisoner Survey (PIPS) data which has been routinely collected at all prisons undergoing a full HMIPS inspection since March 2022. The survey collects anonymous data on prison experiences from a randomly selected sample of prisoners before every full HMIPS prison inspection.⁶⁶ Simple random sampling is used to select PIPS survey respondents with the sample size targeting a 95% confidence level with a 7% margin of error.

The original dataset used in this review contained 1,638 individual respondents from all 11 closed-conditions prison establishments surveyed between March 2022 and November 2024. As HMP Addiewell had been surveyed twice during this period (in 2022 and 2024), only the most recent set of responses from this establishment (2024) were included in the dataset. The 38 individuals who had not disclosed their remand/convicted status in their survey responses were also excluded from the analysis. This left a sample population of 1,600 for the analysis in this study. This dataset was weighted by prison size to ensure that the data was representative of the group of prisons included in the sample (see table below for weighting).

Table 4: Weighting of Survey Sample

Name of prison	Sample size	% of total respondents (current)	Population size	% of population (target)	Weight	Weighted sample size
Barlinnie (2024)	220	14%	1361	25%	1.82	401
Edinburgh (2023)	186	12%	840	15%	1.33	247
Addiewell (2024)	148	9%	718	13%	1.43	211
Perth (2023)	192	12%	663	12%	1.02	195
Shotts (2022)	141	9%	537	10%	1.12	158
Grampian (2024)	146	9%	462	9%	0.93	136
Polmont (2023)	193	12%	285	5%	0.43	84
Greenock (2023)	138	9%	189	3%	0.4	56

⁶⁶ In establishments with a population smaller than around 300, all prisoners are asked to complete the survey, rather than selecting a random sample.

Dumfries (2024)	134	8%	176	3%	0.39	52
Inverness (2022)	42	3%	116	2%	0.81	34
Stirling (2024)	60	4%	85	2%	0.42	25
Total	1600	100%	5432	100%	NA	1600

The final weighted dataset included 1,601 individuals, 466 of whom were on remand at the time of the survey, and 1,135 of whom were convicted.

The HMIPS Pre-Inspection Survey includes 86 questions on a range of aspects of prison life, linked to the [HMIPS Standards for Inspecting and Monitoring Prisons in Scotland](#). A sub-set of questions relevant to each part of the analysis were selected for comparative analysis in this review. The comparative analysis was conducted using chi square tests of independence to test for significant differences between the reported experiences of remand and convicted prisoners. This method enables an understanding of whether differences seen in the responses from the two groups are likely to represent meaningful real-life differences in experiences.

The HMIPS Pre-inspection Survey asks a series of closed multiple-choice questions. Most of these offer multiple possible answers, including options such as "don't know" and "don't remember". To conduct a comparative analysis, the responses to each question included in the analysis were recoded to create binary response categories, to allow for the use of a chi square test of independence. All non-responses, (e.g. blanks, "don't know" and "don't remember") were excluded from the analysis. A chi square test of independence was then performed on each question.

Notes on Reporting of Survey Data

Throughout this report, where percentages from the survey data are given, these are accompanied by the number of valid responses to survey question in the format: n = x.

In the main report, percentages are calculated based on valid responses only. This means that 'blank' and 'missing' responses are excluded from the analysis to ensure an accurate reflection of those who provided an answer to each question. However, the data tables provided in the document that accompanies this report ("HMIPS Remand Analytical Review Data Tables") present both raw frequencies and percentages, including all response categories (blank and missing included). This allows for full transparency of the dataset while maintaining consistency in reported insights. Readers should note that the percentages in the main report may differ slightly from those in the detailed tables due to this exclusion.

As the survey responses have been weighted to reflect the target population more accurately, some frequency tables may show total respondent counts that slightly differ from the actual number of survey participants (N=466). This discrepancy occurs due to the weighting process, where fractional case weights are applied, leading to rounding effects in the displayed totals. For instance, in some tables, the total may appear as 465 or 464, instead of 466. These variations are an expected consequence of weighting and do not indicate data errors.

Qualitative Data

To explore the quantitative findings in greater depth, qualitative fieldwork was undertaken, primarily by a team of HMIPS Independent Prison Monitors (IPMs), across eight remand-holding prisons. These included a full range of prison types: large male prisons, small male prisons, a young offender institution, a female-only prison, and prisons holding both men and women. It included the only private prison in Scotland. The qualitative fieldwork took place between April and September 2024. The prisons where qualitative fieldwork took place are detailed in the table below.

Table 5: Review Qualitative Fieldwork Establishments		
Prison name	Gender/Age group	
HMP Barlinnie	(male adults)	
HMP & YOI Polmont	(male young offenders and female adults)	
HMP Addiewell	(male adults, private prison)	
HMP Inverness	(male adults)	
HMP & YOI Grampian	(male and female adults)	
HMP & YOI Stirling	(female adults)	
HMP Low Moss	(male adults)	
HMP Edinburgh	(male adults)	

The qualitative fieldwork consisted of observation of remand halls, and informal conversations and in-depth interviews with remand prisoners. In total, IPMs spent 101 hours on the fieldwork, and short interviews were conducted with 89 remand prisoners. The majority of the interviews took place one-to-one, while a few were conducted in larger groups.

Limitations

There are a number of limitations to this study. As with all social research data, there are limitations to the quantitative and qualitative findings, including response and non-response bias, and memory and recall issues among participants.

Given that the vast majority of remand prisoners in Scotland are male, the overall findings are inevitably skewed towards the male perspective. Females were included in the overall comparative analysis and participated in the qualitative research at HMP YOIs Stirling, Polmont, and Grampian.

As the review focused on the experience of remand from the perspective of remand prisoners themselves, it focused primarily on what remand prisoners said of their experience. While it was not possible to verify every claim made by each individual prisoner, the substantial amount of data collected, with 466 remanded survey respondents and 89 remanded interviewees, provides a strong foundation for confidence in the overall findings.

As the dataset did not include responses from all remand-holding establishments, the survey findings provide a representative view of prisoners' opinions in the establishments where survey results were available, rather than all Scottish prisons.

Finally, when running multiple chi square tests on a single dataset, there is an increased risk of returning false positive results (where a significant difference is shown in the data that does not exist in the real world). This is because, with a p-value of .05, there is a 5% chance of obtaining a false positive on each test. Meaning that when multiple measures are tested, the chance of obtaining at least one false positive result increases. While this risk was mitigated to a large extent by the analysis focusing on general trends within each area of interest, the possibility of false positives should nevertheless be borne in mind. The recoding of multiple response options into binary options for the chi square analysis also risks removing some of the nuance of the original survey answers.

Ethics and Data Protection

The analysis was conducted in line with HMIPS' and the Scottish Government Research Group's ethics principles. All data collected for this project was collected and stored in line with GDPR requirements.

Annex II: Comparison between Remand and Convicted Survey Responses

This table shows a comparison between the responses of remand and convicted prisoners to the HMIPS Pre-Inspection Prisoner Survey. Where results are shown as statistically significant, this means that it is unlikely that the difference between the two groups is down to chance.

A chi-square test of independence was used to test for statistical significance in each result. Please note that due to the large number of measures tested, there is an increased risk of false positives within the results, meaning that some results may appear significant by chance when in reality there is no real difference.

The responses were weighted by prison size to provide a representative reflection of the prisons included in the study. In total, there were 466 respondents in the weighted remand group, and 1135 respondents in the weighted convicted group.

Colour coding:

No colour: No statistically significant difference between remand and convicted

Orange: Remand significantly more negative than the comparator group

Green: Remand significantly more positive than the comparator group

Question	Remand		Convicted	
	Number	% of valid responses	Number	% of valid responses
Was offered an induction	276	67%	613	69%
Was treated well/neutrally in reception	399	90%	981	90%
Able to shower every day	322	71%	899	81%
Quality of food is good/very good	178	39%	372	33%
Always get enough to eat at mealtimes	58	13%	131	12%
Feel safe all/most of the time	268	58%	703	63%
Have witnessed staff abusing, threatening, bullying or assaulting another prisoner in this prison	215	53%	595	58%
Have been abused, threatened, bullied or assaulted by staff member	163	39%	380	37%
Would/probably would report abuse etc. by staff	164	39%	339	33%
Have been abused, threatened, bullied or assaulted by another prisoner	151	35%	421	40%

Would/probably would report abuse etc. by other prisoners	109	27%	233	23%
Given a reasonable explanation every time/ most times you or your cell is searched	139	32%	334	31%
System for accessing personal property works well	118	32%	294	30%
Treated with respect by staff all/most of the time	276	61%	685	61%
Complaints system works well	67	22%	160	20%
Have a Personal Officer	141	32%	746	67%
Personal officer is helpful	87	65%	457	63%
Prisoners are consulted about canteen etc. and things can change as a result	69	19%	156	17%
Easy to access education	167	45%	586	58%
Easy to access skills training	87	24%	288	30%
Easy to access other prison jobs	103	27%	387	39%
Able to go to the gym/play sports at least once last week	354	89%	914	90%
Able to go to the library at least once last week	218	63%	632	66%
Able to spend at least one hour every day exercising in the fresh air last week	323	72%	787	71%
Able to spend more than 2 hours out of cell on previous weekday	178	40%	730	66%
Able to spend more than 2 hours out of cell on previous Saturday	163	37%	643	59%
Able to have an in-person visit every week in last month	216	64%	611	66%
Visitors treated with respect by staff all/most of the time	217	66%	545	61%
Able to have video visit every week in last month	118	44%	357	48%
Access to in-cell prison-issued phone	360	84%	846	90%
Seen by a health professional within 24 hours of arrival	344	87%	790	89%
Know how to access healthcare	369	90%	859	94%
Easy to access a doctor	102	26%	292	28%
Easy to access a nurse/nurse practitioner	180	45%	517	50%
Easy to access a dentist	65	18%	249	26%

Easy to access mental healthcare	85	25%	264	30%
Easy to access addictions services	118	40%	337	50%
Easy to access pharmacist	102	34%	301	39%
Good quality service from doctors	154	43%	383	41%
Good quality service from nurses/nurse practitioners	220	57%	570	58%
Good quality dental services	90	30%	363	44%
Good quality mental health services	104	34%	295	38%
Good quality addictions services	136	50%	313	52%
Good quality pharmacy services	124	43%	325	45%
Good/neutral support for managing disabilities/long-term health conditions	95	43%	246	51%
Received helpful support for alcohol use (only those who said they needed it)	45	27%	99	36%
Received helpful support for drug use (only those who said they needed it)	98	43%	193	47%
Received helpful support for mental health (only those who said they needed it)	71	21%	222	32%

Annex III: List of Acronyms

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Convention on Human Rights
GDPR	General Data Protection Regulation
HMIP	His Majesty's Inspectorate of Prisons
HMIPS	His Majesty's Inspectorate of Prisons for Scotland
HMP	His Majesty's Prison
The Nelson Mandela Rules	UN Standard Minimum Rules for the Treatment of Prisoners
NHS	National Health Service
 OCD	Obsessive Compulsive Disorder
Passman	A passman is a prisoner who is employed in the prison work in a job requiring a high level of trust, such as cleaning in the corridors and/or other areas of the prison, cleaning in the governor's area, or working in the servery.
PPC	Prisoner Personal Cash
SCCJR	Scottish Centre for Crime and Justice Research (SCCJR).
The Scottish Prison Rules	Prisons and Young Offenders Institutions (2011) Scotland Rules
SG	Scottish Government
SPS	Scottish Prison Service
UN	United Nations
YOI	Young Offender Institution

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