

SPSO decision report

Case: 201104574, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, complained that when he reported that he was unable to attend his prison's learning centre due to illness, the actions of a residential prison officer were unreasonable. We did not uphold this complaint. As there were no truly independent witnesses to what was said between Mr C and the residential officer, the conversation could not be proven either way. That is not to say, however, that we believed either party's version of events over the other. We noted, however, that Mr C did not have authorisation from prison health centre staff to be absent that day. It was, therefore, reasonable for an officer to have counselled Mr C about the consequences of not attending the learning centre without authorisation.

Mr C also complained that the prison governor unreasonably delayed in responding to his confidential complaint. We upheld this complaint. We accepted that in this specific case there were mitigating circumstances, which meant that it took the governor longer than the statutory seven days to respond. However, the governor did not inform Mr C of all the reasons for the delay and advise him of the timescale within which a decision would be given.

Recommendations

We recommended that Scottish Prison Service:

- ensure that Governors, or staff responding on their behalf, adhere to Rule 124(5) of the 2011 Prison Rules, and retain evidence that they have done so.