

SPSO decision report

Case: 201104793, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: not upheld, recommendations

Summary

Mr C, who is a prisoner, purchased footwear over a year ago through the prison's local process for purchasing mail order goods. Mr C was not allowed the footwear when it was delivered to the prison as staff identified it as a pair of boots, and not training shoes as described by Mr C on the order form. Mr C complained that the order form had been approved by the prison. In addition, he said that there were difficulties returning the footwear as the prison had destroyed the packaging.

In response to the complaint, the prison advised Mr C that the footwear was not on the approved list of items that prisoners were allowed to have in use and whilst the order form specified training shoes, they were more like a boot and came over the ankle. The prison explained that reception staff did not always have the time to check every order number against the description in the catalogue before the article arrives at the prison and is examined by staff before issue. The prison also highlighted that the footwear was a security risk as there was potential for weapons to be easily concealed within it.

Our investigation found that the governor of the prison has responsibility for the security and good order of the prison. Under section 47(2)(a) of the Prison and Young Offenders Institutions (Scotland) Rules 2011, for security purposes the governor has the discretion to refuse a prisoner any items of property. We also considered that the prison acted in line with their policy on articles that were allowed in use. Although we acknowledged Mr C's dissatisfaction about the packaging being destroyed by the prison when the footwear arrived, the mail order company have a flexible returns policy and there was no evidence that Mr C had attempted to return the footwear. The Scottish Prison Service have limited resources and we considered it would be disproportionate for staff to be able to give complete approval for items ordered until such time that they can be fully checked on arrival at the prison. We concluded that the prison acted reasonably but asked that they consider including additional information on their articles in use list to on the types of footwear that are not permitted with the prison.

Recommendations

We recommended that the prison:

- review their articles in use list with a view to including information on the types of footwear that are not allowed in use within the prison.