

SPSO decision report

Case: 201004523, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: disciplinary charges - orderly room proceedings
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C raised several complaints about the process followed by the adjudicator in an Orderly Room hearing (a disciplinary hearing to decide whether a prisoner is guilty of breaking prison rules) in which a charge against him was heard. During our investigation we found that the Scottish Prison Service (SPS) had followed the orderly room guidance in relation to three of the complaints raised by Mr C. However, we found that the SPS had failed to follow the guidance in relation to the recording of witnesses requested during the hearing on the record of inquiry form.

We also found that the SPS had failed to record on the record of inquiry form if Mr C had been provided with a copy of his prison record and that they had not made it clear that he had been found not guilty on one of his two previous reports. We, therefore, identified failings in relation to the process followed by the adjudicator, but, given the action already taken by the SPS, we had no recommendations to make.