

SPSO decision report

Case: 201101004, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: legal correspondence
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained because a member of staff refused to allow a solicitor to send a legal fax to the prison. He said this was contrary to published Scottish Prison Service (SPS) policy. In addition to this, Mr C said that the prison did not tell him that they had refused to accept the fax and the governor failed to conduct a proper investigation into the issues raised in his complaint.

We did not uphold Mr C's complaints. SPS policy says that the practice of using a fax for incoming correspondence should be discouraged in all but unavoidable situations. In Mr C's case, the staff member took the decision not to accept the fax because she did not consider the matter urgent and felt it was reasonable for the communication to be sent by post. We were also satisfied that there was no requirement for the staff member to notify Mr C of the refusal to accept the fax and that the governor responded appropriately to the complaint.