

SPSO decision report

Case: 201102988, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: communication by telephone
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that prisoners in one hall did not have access to a prisoner telephone at all of the times specified in a particular part of the Scottish Prison Service Rules. During some of these times, Mr C was locked in his cell. He felt that the prison were unreasonably restricting his access to the telephone (which is an entitlement under the prison rules) without providing reasons for this and, in doing so, were treating prisoners in his hall differently from other prisoners.

Our investigation carefully reviewed the information received from Mr C and the prison, as well as the relevant rules and directions. From this, it became clear that Mr C was able to access a telephone in another hall if he chose to attend recreation in that hall. The rules did not specify that access must be to the telephone in the hall where the prisoner resides. Because Mr C chose not to attend recreation, for operational reasons he had to be locked in his cell. In choosing not to attend recreation, he also chose to restrict his access to the prisoner telephone. Therefore, we did not uphold his complaints.