

SPSO decision report

Case: 201104877, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: disciplinary charges - orderly room proceedings
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained after he was found guilty of assaulting another prisoner. Mr C said he was originally reported for fighting, but the charge was changed to him assaulting the prisoner. Mr C said he was unaware of the change because he was only given notice of the charge moments before his disciplinary hearing was about to take place. (A disciplinary hearing is held to determine whether a prisoner has broken prison rules and to impose an appropriate punishment if proven.) He said he did not check the notice because he assumed it confirmed he was placed on report for fighting and because of that, Mr C said he plead guilty unknowingly to assault.

The evidence available confirmed that, on the day of the incident, Mr C was reported by an officer for assaulting another prisoner. The notice of the charge was served to Mr C the next morning but he refused to acknowledge receipt of this. The evidence also confirmed that the notice was served to Mr C just over two hours before his disciplinary hearing was to take place. The prison rules confirm that written notice of the charge should be received by the prisoner at least two hours before the hearing. Therefore, we were satisfied the Scottish Prison Service handled Mr C's case appropriately and we did not uphold his complaint.