

Case: 201104967, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: visits
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, received a visit from his wife and son. Following the visit, Mr C complained to the prison that he was reprimanded for his son's behaviour, while another prisoner was not spoken to about a similar matter. He also complained that he was asked to clean up the visit area during the visit and that his son was refused access to the toilet. He sought assurances that the conduct of staff was not discriminatory.

In bringing his complaint to us, Mr C said that the prison had not responded to his complaint about toilet access and had not addressed the allegation of discrimination. He also complained that the prison had not carried out an appropriate fact-finding exercise as they had not viewed any available CCTV footage.

In responding to our enquiries, the prison said that the behaviour of the other prisoner's child did not warrant staff intervention. They also said that in line with normal practice Mr C had been asked to clean up after, not during, the visit. They could not recall the request for access to the toilet but they explained the normal practice that should be followed when such a request is made.

We noted that the prison had not addressed this latter issue in their response to Mr C. We also noted the allegations of discrimination were not directly addressed. Given the nature of this allegation, and the fact that there were conflicting accounts of events, we considered that it would have been reasonable for the prison to have examined CCTV footage and drawn upon this in their response. In the circumstances, we upheld this complaint and made recommendations to address this.

Mr C also complained that the prison unreasonably delayed in taking three weeks to respond to his complaint. We noted that a holding response was issued within the seven day target timescale and, following this, we did not

consider an additional two weeks to be excessive or unreasonable. We, therefore, did not uphold this complaint. However, we made a recommendation because the holding response did not offer an explanation for the delay and did not provide a specific timescale for responding.

Recommendations

We recommended that the Scottish Prison Service:

- highlight to staff that any allegations of discrimination should be recorded and treated as such, and should be appropriately investigated and addressed in the complaint response;
- apologise to Mr C for failing to respond to all aspects of his complaint; and
- in line with rule 124, the governor should ensure that, where he is unable to respond to complaints within seven days, he takes steps to explain the reasons for the delay and provides a target timescale for responding.