

SPSO decision report

Case: 201200585, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: visits
Outcome: some upheld, recommendations

Summary

Mr C was spoken to by prison officers when he visited his friend in prison. He was told that a member of staff had said that his behaviour made them uncomfortable. He later phoned the prison governor to complain and then wrote to him about the matter. He considered that the governor's response did not adequately address his complaints.

We upheld two of Mr C's three complaints. We found that the governor had issued a response after speaking to Mr C, but before he received his written complaint. Although the governor did not consider that the written complaint raised any new concerns, we found that the initial response did not adequately address some of the issues Mr C raised. At the very least, the Scottish Prison Service (SPS) should have contacted Mr C to check if he wanted a further response in addition to the initial response. The governor also failed to address these issues in further responses to Mr C.

Mr C also said that the governor failed to provide him with accurate information in his responses. We did not find any evidence of this. However, Mr C said that the SPS held a file which incorrectly said that he was a registered sex offender. We did not find any evidence of a file, but in their response to our enquiries, the SPS told us that Mr C was a registered sex offender. However, they subsequently confirmed that this was incorrect.

Mr C was warned about comments that he made in correspondence about a member of staff. He continued to make comments about the member of staff and the governor told him that he would no longer be able to visit any prisoner in the prison. The decision to ban Mr C from visiting the prison was one that the SPS were entitled to take (ie a discretionary decision). The SPSO Act says that we cannot question discretionary decisions when there is no evidence of administrative error. We found no evidence of administrative error by the SPS in reaching that decision.

Recommendations

We recommended that the Scottish Prison Service:

- issue a written apology for the failure to adequately address Mr C's complaint;
- make the relevant staff aware of our finding on this matter;
- review the case to identify how they can prevent inaccurate information from being recorded about ex-prisoners in similar circumstances; and
- issue a written apology for incorrectly stating that Mr C was a registered sex offender.