

SPSO decision report

Case: 201201468, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained to the prison that they unnecessarily delayed in processing his request for additional phone credits. He took his complaint to the prison's internal complaints committee (ICC), and requested to call as a witness the manager who had been responsible for handling his request. The ICC chair refused this witness request but then proceeded to speak to the manager about the complaint.

Mr C complained to us that his witness request was improperly refused as the manager was relevant to his complaint. In addition, as the ICC's response merely noted that the manager had by then responded to the complaint, Mr C complained that they failed to address his complaint of delay.

We upheld Mr C's complaint. Our investigation found that the prison rules allow the ICC chair to refuse witness requests only where they are satisfied that the evidence the witness is likely to give would be of no relevance or value in considering the complaint. In this instance, as the ICC had subsequently discussed the complaint with the requested witness, we could not agree that they were of no relevance or value. We, therefore, concluded that the refusal of the request was inappropriate. We also noted that the complaint concerned an alleged delay but the ICC response made no reference to timescales. As such, we considered that the complaint response was inadequate.

Recommendations

We recommended that Scottish Prison Service:

- remind staff acting as ICC chairpersons of their duties under Rule 123(7) to refuse witness requests only where they are satisfied that the witness will be of no relevance or value to the consideration of the complaint;
- advise staff acting as ICC chairpersons that, where relevant, it would be good practice for them to record their reasons for refusing requests to call witnesses;
- issue a fuller response to Mr C's complaint, ensuring that they address his complaint of delay; and
- apologise to Mr C for the inappropriate handling of his complaint.