

SPSO decision report

Case: 201201776, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: legal correspondence
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained to the prison about a delay in receiving correspondence from his solicitor. The complaint was resolved to his satisfaction, but he was unhappy with the time taken to respond. The prison rules say that, at stage one, a manager should offer to discuss the complaint within 48 hours of receipt, and respond within five days. They also say that the governor should issue a stage two response within 20 working days. Our investigation found that none of these timescales were adhered to in Mr C's case and he was not sent a holding letter to explain the delay.

Mr C also complained that he was not told about or invited to the complaint hearing at stage two, despite having indicated his wish to attend. The prison rules allow for prisoners to attend hearings and make representations if they so wish. We noted that Mr C had said on his complaint form that he wanted to attend the hearing. He was not noted as being at the hearing and, in the absence of any evidence that an invitation was issued and declined, we concluded that the prison had failed to facilitate his request. In the circumstances, we upheld this complaint.

Recommendations

We recommended that the Scottish Prison Service:

- remind staff to ensure that they respond to complaints within the relevant timescales set out in Rules 122-124; and
- remind staff to ensure that, where prisoners ask to attend an internal complaints committee hearing, arrangements are made to facilitate this, as per Rule 123(5)(a).