

## SPSO decision report

**Case:** 201202053, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** staff treatment  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, was reprimanded for playing cards in a work shed and dismissed from his work party. He complained that other prisoners were also playing cards and that he was singled out by a member of staff. He saw this as a form of bullying.

In responding to his complaint, the prison interviewed the staff involved and found that Mr C was dismissed because of his attitude to work. They concluded that no bullying had occurred. When we investigated, they told us that the dismissal was due to concerns about Mr C's general work performance. They said the fact that he had been playing cards, despite being asked not to, supported these concerns. We acknowledged that the prison were entitled to act on their concerns and concluded that they had reasonably exercised their discretion in taking the decision to dismiss Mr C. We, therefore, did not uphold the complaint.

Mr C also complained about the handling of his complaint. He complained about the time taken to respond, but our investigation identified that there was apparently a delay in the prison first receiving his form. Once they received it, they responded within the relevant timescale. Mr C also raised concerns that no witnesses were called upon during the investigation. We noted that the prison had arranged for two senior managers to speak with Mr C to discuss his concerns, and that there were discussions with the relevant members of staff to obtain their version of events. We considered this reasonable and did not uphold this complaint.