

SPSO decision report

Case: 201202478, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: food
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained to the prison that the lunchtime meal had been adulterated (made impure or inferior by adding foreign substances) and was excessively salty. In taking his complaint to the prison's internal complaints committee (ICC), Mr C requested to call the catering manager as a witness. This request was refused, but the ICC chair then proceeded to speak to the requested witness about the complaint. The ICC concluded that food provision was of a good standard and that there were robust procedures in place to minimise the risk of adulteration.

Mr C complained to us that his witness request was improperly refused as he had relevant and potentially important evidence. He also complained that the prison had failed to explain the measures that were in place to minimise the risk of food adulteration.

We observed 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 later 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 considered that it would have been appropriate for the prison to have explained the precautionary procedures referred to in their response. In the circumstances, we upheld the complaint.

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 explain the procedures in place to minimise the risk of food adulteration; and
- apologise to Mr C for the inappropriate handling of his complaint.