

SPSO decision report

Case: 201202830, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: no decision reached

Summary

Mr C, who is a prisoner, complained that his partner had been banned from visiting him in prison. We were already investigating a complaint about a similar matter. When we receive complaints about the same matter from more than one person, we normally take one case that is generally representative of the complaint and investigate that. This is called the lead case. On this occasion, we decided that the complaint we were already investigating would be the lead case and that it would not be appropriate to investigate a further complaint about this from Mr C.

Mr C also complained about the way in which the Scottish Prison Service (SPS) handled matters when he tried to complain about this. The legislation that we operate under (the Scottish Public Services Ombudsman Act 2002) says we cannot normally investigate complaints until they have been through the whole complaints process of the organisation complained about, unless it is not reasonable to expect this to have happened. Mr C had raised some serious allegations and we considered that the SPS needed to be given the opportunity to respond to these. We told him that he should make a formal complaint to them and that if he remained dissatisfied after receiving their response, he could bring the complaint to us.