

SPSO decision report

Case: 201203731, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: disciplinary charges - orderly room proceedings
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, was placed on report for refusing to work. He was found guilty of this charge at a disciplinary hearing but complained that the adjudicator would not listen to him and denied him the right to present evidence in his defence. He also said the adjudicator spoke to him inappropriately. The governor discussed this with the adjudicator and noted that Mr C had tried to provide information that was not felt relevant to the case. The adjudicator could not recall using the specific language alleged by Mr C.

In our investigation, we reviewed the disciplinary hearing paperwork and noted that Mr C had presented some information towards his defence. We also obtained further comment from the adjudicator. The adjudicator disputed the validity of the evidence presented by Mr C, which he considered to be merely Mr C's opinion, with no evidence to back this up. He said that Mr C did not request an adjournment in order to obtain supporting evidence and did not request the attendance of any witnesses. He noted that Mr C had not disputed the fact he refused to work and, on this basis, he was found guilty.

We found that Mr C was given the opportunity to present some evidence in his defence. Although he would clearly have liked a fuller opportunity to defend his position, we found no evidence to suggest that the prison acted unreasonably or failed to follow due process. In addition, we found no evidence to suggest that the adjudicator used inappropriate language and we were unable to reconcile the conflicting accounts of events.