

SPSO decision report

Case: 201205132, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that the prison lost some of his property. A visitor had handed in clothing and some coat hangers, which the prison logged as received. However, they did not reach Mr C, so he put in a missing property claim. He was unhappy with the outcome and complained to the prison. He was unhappy with their reply, and complained to us. He said that the prison had offered him compensation but that the offer had been withdrawn. He also complained about the time the prison took to consider this.

We found that the claim paperwork showed that the investigating officer had accepted that the items were logged as received by the prison, but not by Mr C. She had, therefore, recommended that compensation was offered. However, the officer who had logged them provided a written statement saying that the items were of a kind not allowed in prison, and were handed back to the visitor. In light of this, Mr C's claim was rejected. Although this decision was then reviewed and reversed, and compensation offered, the prison director opposed the reversal and the offer was then withdrawn again.

After we began our investigation, the prison reviewed their handling of the matter and acknowledged that this took too long. They noted that the main delays were caused by internal disagreements on whether or not to uphold Mr C's claim. They said that this was normal, but conceded that they should have been clearer with Mr C and told him what was happening. In recognition of the time delays, lack of clear evidence, and the complications surrounding the case, they reinstated their compensation offer.

We found that Mr C's property had been logged as received by the prison but not recorded as having been handed back to his visitor. However, the officer responsible had provided a statement saying that the items had been returned. We accepted that some internal disagreement might be reasonably expected where contradictory evidence exists but noted the prison's acknowledgement of their failings during the claim process. We, therefore, upheld Mr C's complaint. However, in light of the steps already taken by the prison to review the matter and reinstate their offer of compensation, we made no recommendations.