

SPSO decision report

Case: 201301228, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: supplies of books, newspapers, etc
Outcome: not upheld, no recommendations

Summary

Mr C, a prisoner, complained that the Scottish Prison Service (SPS) unreasonably refused to allow him certain DVDs due to their explicit content. Mr C argued he had not done anything wrong in terms of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (the prison rules). Mr C felt the SPS were going against the certification of DVDs made by the British Board of Film Classification.

Our investigation found that the SPS were not trying to, and did not, effectively re-classify the DVDs. What they did was to apply Rule 45 of the prison rules, which says that prisoners' privileges can be different, as long as the reason for such differences is reasonable and explained. We concluded that the SPS reasonably considered the merits of the DVDs and decided that, in the specific circumstances, they should not be allowed. We also concluded that the SPS gave Mr C a reasonable and proportionate explanation.