

## SPSO decision report

**Case:** 201301327, **Scottish Prison Service**  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that the Scottish Prison Service (SPS) had failed to clarify his circumstances in relation to his fitness to work and was reported for not working. He was also concerned about the handling of his representations about this.

During our investigation the SPS provided evidence that Mr C had seen a prison doctor, who had deemed him fit to work, although not with machinery, before he was reported for not working. The prison doctor had also considered the risk assessments for the workshed Mr C was allocated to and deemed it to be suitable.

While we were satisfied that in general the SPS had dealt with Mr C's complaints in line with the complaints process, we were concerned that when Mr C had asked for assistance at a number of internal complaints committee (ICC) hearings, this was not always acknowledged on the paperwork. We also noted that three committee members were not always present at the ICC as required. During our investigation the SPS reminded staff of the need to follow the correct procedures in relation to providing the relevant paperwork to a prisoner. They also agreed to remind staff of the need to follow the process when a prisoner requires assistance at a ICC. We, therefore, made only one recommendation.

### Recommendations

We recommended that the SPS:

- remind staff of the need to ensure that at least three members are present at the ICC in line with guidance.