

SPSO decision report

Case: 201301447, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, bought a watch through the prison's approved purchase scheme. Before issuing the watch to him, the prison removed the protective case and told Mr C he was not allowed to have it in use. Mr C complained that the decision was unfair.

The prison explained that this type of packaging had been identified as something in which prisoners might conceal illicit items. Because of that, they had decided not to allow prisoners to have such items in use. We found that the prison rules confirm that governors are entitled to refuse to allow a prisoner to have any items in use which might be damaging to the security or good order of the prison. We were satisfied the prison were entitled to take the decision to no longer issue such packaging in these circumstances, and we did not uphold that part of Mr C's complaint.

Mr C also complained to us that the prison failed to complete his complaint form properly. He said the governor had not indicated whether he accepted the decision of the internal complaints committee (ICC) on Mr C's complaint. Mr C submitted an additional complaint directly to the governor about that, but was advised to discuss it with his hall manager. Our investigation found that the prison rules confirm that the governor must tell a prisoner whether they accept the ICC's decision. They can do so by simply ticking a box on the complaint form. In Mr C's case, that did not happen, and the prison acknowledged that this had been an oversight. We upheld this part of the complaint because the prison failed to complete the form properly. In addition, when Mr C made his additional complaint the prison missed that opportunity to resolve the matter and he had to bring it to us.

Recommendations

We recommended that the Scottish Prison Service:

- apologise to Mr C for failing to complete his complaint form properly; and
- remind the governor, or those acting on his behalf, of the requirement to indicate at part 6 of the complaint form whether the ICC's decision is endorsed or rejected.