

SPSO decision report

Case: 201304372, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: upheld, recommendations

Summary

Mr C sent a wash bag to the prison laundry but did not receive it back. He said it appeared that his laundry bag had been stolen and he submitted a compensation claim. The Scottish Prison Service (SPS) rejected Mr C's claim and said that any property held in use by a prisoner was entirely at his or her own risk, as stated on their property card. Mr C complained to us that the SPS's decision-making in respect of his claim was unreasonable.

It was clear from the evidence obtained that the only means by which Mr C was able to have his clothes washed in the prison was to use their laundry service. From the point at which he placed his belongings in his laundry bag and they were removed from his possession, along with his completed laundry sheet, he could not reasonably be expected to be responsible for their return. The prison provided the laundry service and were, therefore, responsible for returning Mr C's belongings to him. We took the view that it was unreasonable for the prison to rely on the disclaimer on Mr C's property card to absolve themselves of any responsibility for returning his belongings to him.

We found that the SPS did not have a system in place to adequately track prisoners' laundry, failed to fully investigate Mr C's claim and reach a conclusion on what happened to his laundry bag and failed to take responsibility for his laundry by applying the property card disclaimer. We concluded that their decision-making in respect of Mr C's claim for lost laundry was unreasonable.

Recommendations

We recommended that the SPS:

- feed back our decision on Mr C's complaint to the staff involved;
- reconsider Mr C's claim for loss of property taking into account the points contained in our decision on his complaint; and
- provide Mr C with a written apology for the failings we identified.