

## SPSO decision report

**Case:** 201304464, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** personal property  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, went on home leave from the prison for a week. Before doing so, he put clothes and other items in a sealed storage box. While he was on home leave, he was arrested and returned to another prison. When his belongings were forwarded to him at the other prison, he found that there were a number of items missing. He made a financial claim to the Scottish Prison Service (SPS) for the missing items but this was refused.

Although we could not look at the outcome of the claim, we could look at how the SPS handled it and, in particular, whether they considered all relevant information in reaching their decision. Following careful review of all the paperwork provided to us, we considered that the most relevant information to be the list of items Mr C had in use before he went on home leave; the list of items noted as coming out of his storage box before being forwarded to him at the other prison; the list of items noted as received at the other prison; the claim form and investigating officer's report; and the information provided to prisoners about their responsibility for property in use. The SPS response to Mr C showed that all this information was considered when they reached their decision, and we did not uphold his complaint.

In the course of our investigation, however, we noted that at the heart of this complaint is that what Mr C said went into his storage box is not what came out. Normally, when a prisoner returns from home leave, they will be there to see the box being unsealed and opened. However, where the prisoner cannot be present, prison staff open the box, and in those circumstances there is potential for a prisoner to claim that items have gone missing. From our discussions with the prison, we understand that in practice, because of this, a storage box is opened and emptied in front of two members of staff. This practice is not referred to in the guide for dealing with prisoners who fail to return to the prison they were in and so, although we made no formal recommendation, we suggested to the SPS that they should consider including this so that it forms part of the formal process.