

SPSO decision report

Case: 201304535, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: confidentiality, complaints handling
Outcome: upheld, recommendations

Summary

Ms C, who is a prisoner, complained to the prison governor that an officer had discussed her personal information with another prisoner. The governor acknowledged that the other prisoner had tried to discuss Ms C's circumstances, but indicated that the officer had only responded with a dismissive comment, and had not disclosed any of Ms C's personal information. Nonetheless, the governor arranged for a reminder to be issued to staff to exercise caution in future, to guard against potential breaches of confidentiality.

Ms C complained to us that the governor had not fully investigated her complaint. She said that he had spoken with the officer but not to the other prisoner. We asked the governor why he had not spoken with that person, and he explained that he did not feel that the prisoner would have offered a balanced or accurate account of events. He was also concerned that discussing the complaint with her might have had a negative impact on her relationship with Ms C.

We were not persuaded, however, that the reasons offered by the governor provided sufficient justification for choosing not to interview a relevant party to the complaint. We did not consider it appropriate for the governor to simply have accepted the officer's account without obtaining the other side of the story. We, therefore, upheld the complaint.

Recommendations

We recommended that Scottish Prison Service:

- ensure that, where possible, all relevant parties to a complaint are interviewed prior to a definitive finding being reached on that complaint.