

SPSO decision report

Case: 201304654, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: access to medical care/treatment
Outcome: some upheld, recommendations

Summary

Mr C complained that a prison manager had refused to contact the on-call doctor after Mr C was sick and got something stuck in his throat, causing him chest pain. Mr C said that the prison did not act in accordance with the prison rules because a healthcare professional must be notified of any prisoner whose physical or mental condition appears to require attention. He also complained that staff removed various items from his cell contrary to the prison rules that set out that sufficient bedding must be provided for a prisoner's warmth and health. He said he was cold during the night and suffered pain the next morning.

In responding to the complaint, the prison governor explained that Mr C was being managed under a suicide risk management strategy because of self-harming, which meant staff had to carry out 15 minute observations in accordance with his care plan. As Mr C had hidden under the bed, staff had to remove various items that were considered potentially harmful. This allowed staff to maintain their duty of care to him by being able to freely observe him.

We found that the officers who were observing Mr C raised an incident report that he had handed them an item which he had apparently vomited. However, there was no evidence to show that they had witnessed him being sick or were aware of anything stuck in his throat. Nevertheless, we were concerned that staff did not check in more detail and question why Mr C had the item, given that for safety reasons he was not allowed anything in his cell at this time. Had staff properly investigated this, it is likely they would have established what had happened and so, on balance, we upheld the complaint.

We did not find any evidence to show that the prison acted unreasonably in removing items from Mr C's cell, as staff were required to clearly observe him for his safety, in line with his care plan. We were, however, critical that the governor had not responded to Mr C's complaint about staff not contacting the on-call doctor and made recommendations about this.

Recommendations

We recommended that the Scottish Prison Service:

- take appropriate steps to ensure similar incidents are fully investigated and documented in the observation records;
- share our findings with the governor to ensure that full responses are provided to complaints; and
- apologise to Mr C for the failings we identified.