

SPSO decision report

Case: 201304806, **Scottish Prison Service**
Sector: Scottish Government and devolved administration
Subject: accommodation (including cell amenities and location); complaints handling
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, complained that the built-in DVD player on his in-cell TV set did not work. He did not feel it was fair to pay the full TV service charge when his set was defective. However, the prison confirmed that Mr C was paying for access to TV channels, which he still had, and not the DVD facility. They explained to us that, due to budgetary restrictions, they were not always able to provide new sets and their focus was on ensuring that every cell had access to TV channels. We considered this reasonable and did not uphold this aspect of the complaint.

Mr C also complained about the way in which the prison handled his complaint. He said that the manager who first considered his complaint was also a member of the prison's internal complaints committee (ICC) who considered his complaint at the next stage, and that his complaint form was not signed by the three committee members. In responding to this, the prison had pointed out that the manager gave what the prison considered to be a standard reply for that type of complaint. They said he had not offered an opinion on it that could later affect the outcome of the hearing. They acknowledged that the ICC members had omitted to sign the complaint form and an administrator had signed it on their behalf.

The prison rules do not advise against ICC members being involved at an earlier stage of the complaint. However, we pointed out that it is good practice for staff involved in complaints to be impartial, independent and accountable. While we were satisfied that the outcome of this complaint was not negatively influenced by the manager's presence on the ICC, we took the view that a potential conflict of interest could have arisen, and that his appointment to the ICC would have best been avoided. We also noted that the ICC members should have signed the complaint form, and in the circumstances, we upheld this aspect of the complaint.

Recommendations

We recommended that the Scottish Prison Service:

- take steps to ensure that members of the ICC have not previously been involved in the handling of the complaint being considered; and
- remind staff that, when they participate in an ICC hearing, they appropriately sign part 5 of the PCF1 form.