

SPSO decision report

Case: 201305849, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: supplies of books, newspapers, etc
Outcome: some upheld, recommendations

Summary

Mr C, who is a prisoner, complained that the Scottish Prison Service (SPS) were not following their book-purchasing procedures. He then complained to us, but our investigation showed that this was not the case.

He also complained, however, that the internal complaints committee (ICC) chair did not meet him before the ICC heard his complaint. This hearing is part of the SPS complaints handling process. At that stage, a prisoner may request specific witnesses to be called for the hearing. Prison rules state that an ICC chair can refuse a witness if they have discussed this with the prisoner and are reasonably satisfied that the evidence the witness would be likely to give would be of no relevance or value in considering the complaint. In such a case, the chair must tell the prisoner of this decision before the hearing. However, there is no requirement on ICC chairs to produce any written note, either to confirm that a discussion took place before the hearing or to record what was said at it. This lack of evidence can make it difficult to consider such complaints. In this case, we concluded that there had not been a pre-ICC hearing and that the ICC chair had not, therefore, complied with the prison rules.

We were concerned that this difficulty in determining complaints where there is a lack of evidence about pre-ICC discussions was a recurring theme in complaints to us. We had previously made recommendations to the SPS to try to address this problem and had asked the SPS to tell us what they intended to do to address the issue. Given that recent recommendation, we decided to make no further recommendation about that on this complaint.

Recommendations

We recommended that the SPS:

- apologise to Mr C for the shortcomings our investigation identified.