

SPSO decision report

Case: 201401223, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not duly made or withdrawn, no recommendations

Summary

Mr C, who is a prisoner, had complained directly to the prison governor, as he considered that his complaint was about a confidential matter. Under the Scottish Prison Service (SPS) complaints procedure, prisoners can do this where they think that their complaint is about a confidential matter that is of an exceptionally sensitive or serious nature. The governor, however, told Mr C that he did not consider that the complaint was about such a matter. In these cases, the prisoner can then make the complaint through the standard complaints procedure. However, Mr C referred his complaint about the SPS direct to us.

Under our legislation, we cannot normally investigate complaints until they have been through the whole complaints procedure of the organisation complained about, unless it is not reasonable to expect this to have happened. As Mr C had not taken his complaint through the complaints procedure, we told him that he should do so, and that he could refer it to us if he remained unhappy after receiving the SPS's final response. We also asked the SPS to make this procedure clearer to prisoners when replying to complaints to governors that they did not consider were about confidential matters.