

SPSO decision report

Case: 201401500, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained that the prison governor did not handle his complaint appropriately. He had complained to the governor that language used in an email suggested untruthfulness on his part. He also complained that the staff member who wrote the email recorded inaccurate information in a note of the outcome of one of his complaints, and he asked for an explanation of this. The governor had interviewed the staff member about the language in the email exchange and had concluded that it was open to individual interpretation. In addition, the governor noted that Mr C had previously complained about the error in the note and that a manager had responded in writing apologising for the mistake and assuring him that the note would be amended and re-issued. The governor acknowledged that this had not at first happened, but confirmed that it had since been done.

We examined the information that the governor considered while investigating these complaints. We found that, by speaking directly with the staff member, the governor had taken proper steps to investigate Mr C's concerns about the email. However, although we considered it unreasonable to expect the governor to decide whether untruthfulness was implied, we took the view that the language used could be perceived as biased, whether or not that was the intention. It would, therefore, have been reasonable for the governor to assure Mr C that staff had been reminded to avoid using language that could cause offence or be misinterpreted. We also found that the error in the written note had been acknowledged but was not at first corrected and that, when responding to Mr C's complaints, neither the manager nor the governor had explained why this happened. We took the view that they should have done so and, because of the failings identified, we upheld Mr C's complaints.

Recommendations

We recommended that the Scottish Prison Service:

- apologise to Mr C for the failings identified following our investigation of his complaint;
- remind staff involved with complaints handling that they should avoid using language that could be misinterpreted; and
- explain to Mr C why the error occurred in the written note.