

SPSO decision report

Case: 201403224, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, recommendations

Summary

Mr C complained about the way the prison handled an item of mail that had been sent to him from his solicitor. In particular, Mr C considered that the item of mail has been opened before it was given to him. Mr C also said that the prison failed to handle his complaint on the matter appropriately.

Our investigation found that the prison had a system in place which allowed staff to identify and record any damaged letters that arrived at the prison. They also had a process in place for staff to follow when an item of privileged mail - which included mail from a prisoner's solicitor - is opened in error. In Mr C's case, the prison advised that they did not consider his item of mail to be damaged, or opened in error, and because of that, the procedures referred to were not applied. Therefore, we considered the prison's handling of Mr C's mail to be reasonable. We also considered that the prison's overall handling of Mr C's complaint was reasonable and we did not uphold his complaints. However, during our investigation we did identify some issues that we made recommendations to the Scottish Prison Service about.

Recommendations

We recommended that Scottish Prison Service:

- remind staff to respond to each issue raised in a complaint including any complaints handling matters;
- review the SPS staff guidance on prisoner complaints to ensure it is consistent with the prison rules; and
- consider revising the PCF1 (complaints) form to include the information sought by the witness information request form.