

SPSO decision report

Case: 201403927, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: disciplinary charges - orderly room proceedings
Outcome: upheld, recommendations

Summary

Mr C said the prison failed to reasonably investigate a complaint about the problems he had making an appeal against a disciplinary decision. Mr C's appeal was rejected because it was made too late. Mr C told the prison that an earlier appeal had been made within the two week deadline.

We agreed with Mr C. We found that the prison should have done more to investigate Mr C's claim that an earlier appeal had gone missing, both when Mr C raised the matter in a further appeal and, later, when he complained. Some sections of the forms which should have been filled in by the prison were incomplete or not signed. It was difficult to see how the prison had arrived at their decision. As there was no system in place for issuing receipts, Mr C had no way of proving that he had made an earlier appeal. The prison had no way of proving that an earlier appeal had not been made. We recommended that a system of issuing receipts is implemented for prisoners who want one.

We also found that the prison took too long to make a decision on the appeal Mr C made. They exceeded the 20 day timescale, without any explanation to Mr C.

Recommendations

We recommended that Scottish Prison Service:

- implement a system whereby prisoners are provided with a receipt for PAF 2 forms where they request one.