

SPSO decision report

Case: 201406565, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C complained that the prison unreasonably failed to make appropriate arrangements for him to attend court. In their response to his complaint, the prison told Mr C that he had not requested to go to court and, in any event, prisoners would not be ordered to attend civil hearings. In support of his complaint, Mr C provided a copy of the court order which confirmed that the sheriff had asked him to appear. He also provided a note that had been typed by an officer which said he was to attend court and confirmed that a manager had given Mr C permission to take paperwork with him.

Based on what the Scottish Prison Service (SPS) told us, there is no clearly understood process in place that outlines what arrangements can, or should, be made to enable a prisoner to attend a civil hearing at court and whether a prisoner would pay for the transport. The decision on whether to allow a prisoner to attend that type of hearing appears to be a discretionary one for the governor and that is not unusual. Governors have a wide range of discretion. However, it is important that the process for seeking and obtaining approval in a situation like Mr C's is clear and understood.

Having examined the information available in Mr C's case, and having asked the SPS for more information, it was not clear exactly what happened in Mr C's case or what should have happened. The SPS told us that Mr C did not ask to attend court or inform prison staff that he had been ordered to appear. However, the note typed by an officer indicated that Mr C was to attend court and had been given permission to take paperwork with him. In our view, the note suggested that Mr C did inform staff that he was to attend court but it was not clear whether he specified that it was for a civil hearing. Nevertheless, we considered the typed note indicated that an officer and a manager discussed Mr C's attendance at court with him and because of that, we believe proper steps should have been taken to explore whether Mr C had been ordered to attend court and whether transport should be arranged. Those steps did not happen in Mr C's case and, therefore, we concluded that the prison unreasonably failed to make appropriate arrangements to allow him to attend court and we upheld the complaint.

Recommendations

We recommended that SPS:

- reflect on Mr C's case and consider what steps can be taken to avoid the same thing from happening again;
- feed back any learning to both us and Mr C; and
- provide a letter for Mr C to give to the sheriff outlining why he did not attend court on the date ordered.