

SPSO decision report

Case: 201407668, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mr C asked the prison to cover the cost of providing him with contact lenses instead of glasses. The prison advised Mr C that the Scottish Prison Service (SPS) would not cover the cost of contact lenses, only glasses. Mr C complained that the prison failed to appropriately consider his request because they failed to seek any clinical advice about whether he needed contact lenses, and he said he had previously received them in a different prison.

We asked the SPS to tell us if steps had been taken by the prison to confirm whether an optician had recommended that Mr C receive contact lenses instead of glasses. We also asked whether steps had been taken to check whether the other prison had provided Mr C with contact lenses. In their response, the SPS provided a statement from the other prison which confirmed that they had not purchased contact lenses for Mr C. The SPS also received confirmation from the health centre that the optician had not recommended that Mr C wear contact lenses instead of glasses, and there was no medical reason why Mr C could not wear glasses. This information was only sought by the prison following our enquiry to the SPS about Mr C's complaint.

At the time of making his complaint, the prison did not take steps to check whether Mr C had previously been issued contact lenses. They also did not clarify whether Mr C did in fact require contact lenses. We considered that both of those steps should have been taken by the prison at the time of investigating Mr C's request and therefore we upheld the complaint.

We also upheld Mr C's complaint that the prison failed to handle his complaint appropriately. In particular, the information provided by the SPS indicated that the chairperson of the internal complaints committee (ICC) invited the health care manager to attend the hearing but she chose not to. We concluded that the chairperson considered that the evidence the health centre manager would have brought was of relevance and value to the ICC's consideration of Mr C's complaint. However, there is nothing contained within the prison rules which suggests that a witness can be compelled to attend an ICC hearing. Instead, the rules indicate that a witness can be called by the prisoner to give evidence in support of their complaint and the ICC chair can decide whether the witness will be permitted to attend. There is no suggestion that the witness must attend even if they are permitted to do so by the ICC chair. However, as noted earlier, we considered that steps should have been taken by the prison to explore whether the optician had recommended that Mr C wear contact lenses as opposed to glasses. The ICC could have, with Mr C's consent, obtained that information easily and without the health care manager's attendance at the hearing. Taking those steps would have ensured the ICC had access to the relevant information that the health care manager could have brought to the hearing before reaching their decision on Mr C's complaint. The SPS accepted that they did not respond to Mr C's complaint within the relevant timescale and offered an apology. Therefore, we upheld the complaint.

Recommendations

We recommended that the SPS:

- provide feedback to the relevant members of staff in relation to the handling of Mr C's request to ensure that all relevant information is obtained prior to taking decisions;
- explore what their position would be if a clinician recommended a prisoner be supplied with contact lenses instead of glasses; and
- apologise to Mr C for the failings our investigation highlighted about the prison's handling of his complaint.