

SPSO decision report

Case: 201500074, **Scottish Prison Service**
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C was escorted to hospital. An officer packed some of Mr C's clothing into a bag to take to hospital. Mr C then submitted a claim to the prison because he said that the clothing that was packed by the officer had gone missing. The prison did not uphold Mr C's claim. He complained to us that the prison's handling of his claim for lost property was unreasonable because staff failed to investigate the matter properly. In addition, he said staff incorrectly marked the missing items as 'condemned' (destroyed at the request of the prisoner) on his property card. Mr C said he asked staff to remove the missing items from his property card as he said that the items had been lost by staff.

Mr C's property card suggested that the items he claimed were missing were in his use before being condemned by staff. Mr C disputed asking staff to condemn the property but the evidence available showed that he submitted a condemn mandate form which clearly states that the items listed will be condemned, therefore, we concluded that staff appropriately condemned the items. In addition, Mr C's care plan from the time in question confirmed that he was permitted to have his own clothing in use, and the record completed on the day he was taken to hospital did not show that any property was taken with Mr C to or from hospital. In light of the evidence available, we concluded that the prison's handling of Mr C's claim was appropriate. The information we saw demonstrated that the prison's decision on Mr C's claim was based on the evidence available and, because of that, we did not uphold the complaint.

Having reviewed Mr C's complaint forms, we also considered that the prison's handling of his complaints was reasonable. We recognised that Mr C considered that the prison failed to properly investigate the loss of his initial claim form. However, in their response, the prison confirmed that the form could not be located and they apologised for that. The prison also invited Mr C to submit a new claim form. In our view, the prison's response was reasonable. Therefore, we did not uphold this aspect of Mr C's complaint.