

SPSO decision report

Case: 201500718, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: accuracy of prisoner record
Outcome: upheld, recommendations

Summary

Mr C complained that an inaccurate statement had been inappropriately recorded in a note outlining the risk management team's (RMT) discussion of his case. He said that the statement indicated that several attempts had been made to engage him in a type of therapy. Mr C disputed that. In response to his complaint, the Scottish Prison Service (SPS) said it was not possible or helpful to trace who made the statement. However, it was agreed that the RMT should discuss Mr C's denial that he had refused to engage with the therapy at their next meeting.

We asked the SPS to tell us whether the statement recorded by the RMT about Mr C was accurate and based on factual information. The SPS provided extracts from the notes of discussions held at various meetings which they felt supported the statement recorded. The SPS also explained that whilst working with Mr C in general, staff would have used the therapy techniques but he would not have been aware of that. They accepted that it was not clear from the statement recorded by the RMT that this was the case. The SPS acknowledged that the statement implied Mr C had been provided with specific work, not that techniques were being used during general work with him. In addition, the SPS told us that the RMT had not discussed the matter again as had been agreed.

In considering Mr C's complaint, we looked at whether the statement recorded was accurate and whether it had been recorded appropriately. In our view, the statement led the reader to believe that attempts to have Mr C engage in therapy work were unsuccessful. We considered that whilst the statement was not necessarily inaccurate, it was not completely accurate either. We were concerned that the language used was misleading, and open to misinterpretation and because of that, we considered that the information had been recorded inappropriately. We were also concerned because, in their written response to Mr C's complaint, the SPS noted an inaccurate reflection of the misleading statement.

Therefore, we upheld Mr C's complaint.

Recommendations

We recommended that the SPS:

- take immediate steps to appropriately record the position in relation to Mr C's involvement with the therapy.