

SPSO decision report

Case: 201502583, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: upheld, recommendations

Summary

Mr C's typewriter stopped working, so he asked his prison for a form to order a replacement. Mr C did not receive a response to his request, and when he complained (known as a PCF1 complaint) about this he was not happy with the responses to the complaints and brought his complaint to us.

We looked at the Scottish Prison Service (SPS)'s file on Mr C's complaints, and correspondence about the typewriter request. We also took account of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (the prison rules) and the SPS' complaints guidance. A prison governor has discretion under the prison rules to decide whether a prisoner can have specific property, and it is not for us to challenge this. However, we can look at how a specific case has been handled, in terms of the administrative processing and communication with a prisoner.

We found the prison's handling of Mr C's request was unreasonable, as they set aside the fact that Mr C had had a typewriter for over ten years. The prison had to make a defensible decision on Mr C's request (where the prison have to be able to defend their decision should another prisoner make a similar request at another time), but they put the onus for this on him rather than on themselves. There was no record of the consideration of Mr C's request, which took the prison three months to deal with. The prison's letters to Mr C included too much official-sounding jargon. Communication with Mr C in plain language would have been more helpful in the circumstances. We concluded that the prison needed a simple process to deal with non-standard requests. We also found that the prison's responses to Mr C's complaints did not consistently let him know what was being done and when; and when this was not possible, the prison did not provide a full explanation. We upheld Mr C's complaints.

Recommendations

We recommended that SPS:

- apologise to Mr C for the failings identified;
- remind relevant prison staff of the SPS complaints guidance on PCF1s;
- remind relevant prison staff of the importance of writing letters in plain language; and
- consider introducing a simple process to deal with requests for items not on the generic articles in use list.