

## SPSO decision report

**Case:** 201502802, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** bullying/victimisation  
**Outcome:** upheld, no recommendations

### Summary

Mr C complained that a member of prison staff had acted unreasonably by making a comment which he felt was discriminatory and constituted harassment. We carefully considered the information Mr C had provided and sought further information from the Scottish Prison Service (SPS), which included a copy of their investigation into Mr C's equality and diversity complaint. The investigation found that there was a basis for unintentionally caused harassment in relation to a protected characteristic. Even though the member of staff did not mean to cause Mr C harm, Mr C found the comment to be offensive and humiliating, particularly as he was unaware of the context in which it had been written. We upheld his complaint that the member of staff had acted unreasonably in making the comment.

As a result of Mr C's complaint, the prison had apologised to Mr C. They had also taken steps to ensure that the member of staff was aware of how his actions had affected Mr C, and identified relevant training. The SPS had also used this case as a case study at a recent national meeting about equality and diversity, and it was to be raised at the next local meeting. Therefore, no recommendations were required.

We noted that the letter to Mr C communicating the outcome of the equality and diversity investigation could have been clearer and written in plain English. We highlighted this to the SPS.