

SPSO decision report

Case: 201503386, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) unreasonably refused his request to transfer cash from his prison account to his bank account. He said the SPS also refused to allow him to hand cash over to a visitor.

In their response to his complaint, the prison told Mr C that prisoners were not allowed to transfer cash from their prison accounts to their bank accounts. They also told him that handing money out at visits was prevented for security reasons. We reviewed the SPS finance manual which stated that cash could be handed out at a visit, or sent out. It said that when cash was being handed out at a visit, a receipt needed to be obtained from the recipient. We asked the SPS why they told Mr C this process was not allowed. They recognised that the response provided to Mr C was unclear. The response had not explained that a prisoner could only hand cash out at a visit when they had made a formal request. The SPS said that although Mr C said he had made a request to hand money out at a visit, there was no evidence of him having done that.

We accepted that the SPS had discretion when it came to deciding whether to allow prisoners to transfer funds to their bank accounts. However, in relation to handing money out at visits, we found that the prison had a local policy in place which supported the requirements of the national finance manual. We considered this to be reasonable. However, in Mr C's case, we considered that the prison unreasonably failed to explain to him that he had not followed the process properly. Additionally, they gave a misleading response which created the impression that requests to hand money out at visits were not allowed for security reasons. In light of this, we agreed that the SPS unreasonably refused Mr C's request.

Mr C also complained that the prison failed to handle his complaint appropriately. We agreed because the information he received was inconsistent. In light of our findings, we upheld Mr C's complaints.

Recommendations

We recommended that the SPS:

- apologise to Mr C for the failings identified by our investigation; and
- ensure staff and prisoners are aware of the local arrangements to be followed when a prisoner wants to send money out of the prison, as outlined in the SPS finance manual.