

SPSO decision report

Case: 201504724, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: visits
Outcome: not upheld, recommendations

Summary

Mr C complained that the prison did not have an adequate process in place to allow for the fair selection of prisoners and their families to attend prison events/parties. Mr C was unhappy that, when a party/event was held at the prison, his child was not allowed to attend and, specifically, that he had not been given a place at a recent event. The prison had acknowledged as part of the complaints process that Mr C had likely been told that he had not been allowed to attend the party because he had a misconduct report. However, the Internal Complaints Committee told Mr C categorically that this was not the case and that there was no set criteria for attendance.

Following our enquiry to the Scottish Prison Service (SPS), we could not see any evidence that the prison were required to have in place a specific process to allow for the fair selection of prisoners and their families to attend prison events/parties. We were satisfied with the prison's explanation of the simple selection process and, while we acknowledged that Mr C had been provided with conflicting information about the selection of prisoners, we were satisfied that the prison had followed this process when selecting prisoners for the party. We considered that it would be disproportionate and overly bureaucratic to require the prison to have a written or formal process/procedure in place for such a simple process. Therefore, we did not uphold Mr C's complaint.

However, as part of our enquiries, we were told by the prison that, in fact, initially, priority was given to prisoners who had been report free for a certain period. The paperwork provided by the prison, although not clear, appeared to support this explanation. This was in direct contradiction to the information Mr C was provided during the complaints process that there was no set criteria for attendance. Therefore, we recommended that the prison apologise to Mr C for failing to give him a clear and accurate explanation of what happened in relation to the selection of prisoners for this party/event.

Recommendations

We recommended that SPS:

- apologise to Mr C for failing to give him a clear and accurate explanation of what happened in relation to the selection of prisoners for the party/event.