

SPSO decision report

Case: 201508271, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C complained that a prison manager unreasonably failed to take action to notify a family member that he had been assaulted in prison and taken to hospital. Scottish Prison Service (SPS) rules state that requests from prisoners for a relative or friend to be informed must be actioned if the prisoner becomes seriously ill, sustains serious injury or is admitted to hospital.

Mr C initially had his injuries assessed in the prison by a nurse and the SPS told us that his injuries were not determined as serious at that stage. They said a hospital medical assessment was required before this could be established. Mr C's injuries were not found to be serious following assessment at A&E and he was discharged back to the prison from there without being admitted to hospital. On this basis, we were satisfied that the relevant prison rule had not been triggered and that the prison manager's failure to notify the family member was not unreasonable. We did not uphold this aspect of the complaint.

However, we considered that it would have been good practice for the prison manager to have documented their decision and the rationale behind it at the time. We also noted that the SPS referred on more than one occasion to Mr C's injuries having not been life-threatening when this is not a test applied by the relevant prison rule. We made recommendations about this.

Mr C also complained that an officer who escorted him to hospital inappropriately advised hospital staff not to inform his family member, as he thought that the prison manager had already done so. However, the officer indicated that he had provided this advice as it was not looking likely that Mr C would be admitted to hospital. We found no evidence that the officer provided inaccurate or misleading information to hospital staff and we did not uphold this complaint.

Finally, Mr C complained about the appropriateness of the prison governor's response to his complaint. In responding, the governor advised that the family member was not informed as Mr C had not been admitted to hospital. The relevant prison rule was only partially quoted and no reference was made to the need to assess the seriousness of the injury/illness. The prison manager indicated that a decision was taken that hospital assessment was required before the seriousness of Mr C's injuries could be established, but the governor's response did not reflect this position. We upheld this complaint and made a recommendation.

Recommendations

We recommended that SPS:

- highlight to relevant staff that it would be good practice to document their rationale when reaching a decision on a request of this nature received from a prisoner;
- remind relevant staff of the specific criteria under which a prisoner may request that their relatives/friends be contacted; and
- apologise to Mr C for failing to fully and accurately respond to his complaint.