

## SPSO decision report

**Case:** 201508843, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** non-legal correspondence  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained about issues with his mail coming into the prison. He said that he was having to wait at least a week to receive mail, that he was being made to sign for letters, and that the prison was unreasonably opening some of his mail and sealing it again with tape.

In our investigations we asked the Scottish Prison Service (SPS) to provide copies of their policies regarding mail coming into the prison. We found that according to policy, mail should always be received by the addressee by the end of the day it comes into the prison. The SPS accepted that Mr C was having to wait unreasonably for his mail. We upheld this aspect of the complaint.

The SPS told us that the reason Mr C had to sign for mail was because it was classified as a parcel and prisoners must sign for parcels when they pick them up at reception. We found that the classification of mail as a letter or parcel is a discretionary decision for the SPS and therefore decided that it was reasonable that Mr C had to sign for his mail. However, we found that the SPS had given contradictory responses in the two internal complaints handling stages regarding this issue, the Internal Complaints Committee and the Residential Front Line Manager stages. We upheld this aspect of the complaint.

Finally, we found that according to policy, the SPS is entitled to open a prisoner's mail in the prisoner's presence unless it is privileged mail. The SPS told us that Mr C had been present when his mail was opened and as there was no evidence to suggest otherwise, we did not uphold this aspect of Mr C's complaint.

### Recommendations

We recommended that SPS:

- apologise to Mr C for the delay in giving him his mail;
- apologise to Mr C for giving him contradictory information throughout the complaints process;
- ensure that complaints are dealt with in a consistent manner throughout the complaints process, and if the decision taken by the Internal Complaints Committee is different to the decision made by the Residential Front Line Manager then a full explanation is given; and
- provide this office with evidence of the reviewed Standard Operating Procedures which clarify how staff are to classify incoming mail.