

SPSO decision report

Case: 201600078, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Decision: not upheld, recommendations

Summary

Mr C complained that he had regularly asked staff at his prison for a transfer to another prison, but this had not taken place. Mr C said that prison officers took other prisoners from their cells at night and gave them weapons with a view to letting them into his cell to assault him. Mr C said the Scottish Prison Service (SPS) unreasonably failed to appropriately investigate his allegations. Mr C also said that the SPS unreasonably failed to consider his complaints confidentially.

Whilst we appreciated that Mr C said that he requested a transfer on several occasions, there was no documentary evidence of his request until he made his complaint to the SPS. The SPS then appeared to have dealt with his transfer request in line with their normal procedure. On balance, we were unable to determine that there were unreasonable delays in the SPS's handling of Mr C's request to be transferred and we did not uphold his complaint.

In terms of Mr C's complaint that prison officers took other prisoners from their cells at night and gave them weapons with a view to letting them into his cell to assault him, whilst we appreciated Mr C's strong concerns about this issue, the CCTV and documentary evidence available suggested that the SPS did not unreasonably fail to appropriately investigate Mr C's serious allegations and there was no evidence to support his assertion. Therefore, we did not uphold this aspect of his complaint. However, we were very concerned that the SPS failed to make evidence in this case (CCTV footage of one of the dates in question) available to us and as a result we made two recommendations for action by the SPS regarding this matter.

We also found that the SPS did not unreasonably fail to consider Mr C's complaint confidentially and we did not uphold this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise in writing to Mr C for failing to provide us with CCTV footage relating to a particular date.

In relation to complaints handling, we recommended:

- Staff must retain CCTV footage on complaints, in line with the SPS CCTV Code of Practice 2009.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.