

SPSO decision report

Case: 201600415, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: communication by telephone
Decision: not upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) acted unreasonably by refusing his request for phone credit to allow him to call his partner, who was seriously ill. SPS said that Mr C's requests were declined because he refused to return to mainstream accommodation and that as a result he had been denied access to his personal cash account (an account containing money handed in by family and friends) and so could only make phone calls using the existing money in his wages account.

The evidence showed that Mr C was not entitled to access his personal cash account due to sanctions put in place because he had refused to comply with a lawful order from prison staff. However, given the exceptional circumstances detailed by Mr C, the SPS granted him access to a sum from his personal cash account to allow him to make phone calls regarding his family members' health. Mr C made 24 phone calls to family members (other than his partner) over a five-week period. Given the flexibility shown by the SPS in Mr C's case, on balance we did not consider it entirely unreasonable for them to decide that Mr C's requests for additional phone credit could no longer be accommodated. Therefore we did not uphold Mr C's complaint. However, we found a lack of documentary evidence relating to Mr C's case and made a recommendation to address this.

Recommendations

We recommended that the SPS:

- ensure that in future, prison staff record details of any alternative offers made to prisoners in response to phone top-up requests.