

SPSO decision report

Case: 201601533, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Decision: upheld, recommendations

Summary

Mr C complained that the way the Scottish Prison Service (SPS) handled his sentence management was unreasonable. Mr C was particularly concerned that the final outcome of a disciplinary hearing was being reflected incorrectly in some of his paperwork. He was concerned that this was recorded as a guilty finding when it was overturned to not guilty after Mr C appealed. Mr C complained that this was impacting on his progression and that the SPS were wrongly saying in some of their communication that he had been downgraded when he had not been. Mr C was worried that inaccurate paperwork might eventually go to the parole board. We had no authority to decide how Mr C's sentence was managed. Nor could we decide whether or how he should progress. However, we found that some of the SPS's communication with Mr C about how he was progressing, and whether or not he had been downgraded, had been confusing and inconsistent. We also found that some of SPS's record-keeping was incomplete or inconsistent. As such, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the communication failings and for the confusion and stress that this caused. This apology should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance
- Ensure that all significant records note that Mr C was not downgraded, particularly those documents which will be included in submissions to the parole board.
- Share the findings of our investigation with the staff involved.

What we said should change to put things right in future:

- The SPS should reflect on how and why the original disciplinary hearing guilty finding was arrived at, so that any learning and improvement can be identified in a supportive way.
- Staff should be aware of the importance of good record-keeping.

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.