

SPSO decision report

Case: 201602161, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Decision: upheld, recommendations

Summary

Ms C said that she was subjected to hate crimes in prison. She complained that the Scottish Prison Service (SPS) unreasonably failed to retain CCTV footage for the periods of time in question and that they failed to handle her complaints about the matter appropriately. Ms C also complained that the SPS unreasonably failed to respond to her equality and diversity complaint.

We found that Ms C could have provided SPS with more detail on the allegations when she asked them to retain CCTV footage. However, we considered that there was sufficient information to allow SPS to realise that an unspecified crime was alleged and it would have been reasonable for them to take steps to clarify the nature of the complaint. This would have allowed the SPS to determine exactly what the complaint was about and whether CCTV needed to be retained.

We found that subsequent investigation of the complaints by the SPS had not been sufficiently thorough as only one member of staff had provided a statement in connection with a single date. We did not consider this to be evidence of a full investigation as incidents were alleged to have taken place on two different days and there was no information recorded on why it was considered unnecessary to take statements from other members of staff on duty at the times in question.

We also found that the SPS had not provided a response to the equality and diversity complaint that Ms C submitted. We upheld all of Ms C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for the failure to make further enquiries in relation to retaining CCTV footage, appropriately investigate the complaints and respond to the equality and diversity complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

In relation to complaints handling, we recommended:

- Complaints should be appropriately investigated and responded to.