

SPSO decision report

Case: 201608784, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: supplies of books / newspapers etc
Decision: upheld, recommendations

Summary

Mr C complained that the pornographic magazines stocked by the prison's supplier were aimed at heterosexual men. Mr C asked for access to equivalent homosexual pornographic magazines. The prison said that magazines were subject to the stock held by the supplier and that the supplier could not accommodate one-off requests. Mr C then submitted an Equality and Diversity Form and complained that this was not acknowledged by the prison.

We found that the prison had recently changed its policy to now allow prisoners to purchase pornographic magazines through the sundry purchases process. This decision was a matter of discretion for the Governor. Our office has no role in determining what policy the prison should have on this issue.

However, we were concerned that the prison had not carried out an Equality Impact Assessment before changing their policy on access to pornographic magazines. The prison did not have an objection to Mr C receiving homosexual pornographic magazines, however, their suggested possible solutions would not give Mr C the same access privileges that prisoners purchasing heterosexual pornographic magazines had.

We also found that the prison had failed to progress Mr C's Equality and Diversity Form. We noted that the purpose of these forms and who is responsible for processing them is not clear. Therefore, we upheld Mr C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Following the review of the policy (recommended below) the prison service should review Mr C's specific situation.

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

- The prison service should now carry out an Equality Impact Assessment. Following that, they should review their policy in light of the Equality Impact Assessment.
- The prison service should review the use and purpose of the Equality and Diversity Form.

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.