

SPSO decision report

Case: 201707695, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: communication
Decision: upheld, recommendations

Summary

Mr C complained that a prisoner officer made inappropriate comments about him in an email sent to another officer. The officer did not accept that their comments were inappropriate, and noted that they were informed by a psychological risk assessment given to the Scottish Prison Service (SPS) in relation to managing Mr C. Mr C was unhappy with this response and brought his complaint to us. He believed the comments were unnecessary in the context of his query, and that they did not adhere to the terms of a Staff Notice previously issued to staff advising the use of appropriate and non-biased language in communications.

While we noted that it was appropriate for the SPS to give regard to the psychological risk assessment in managing Mr C, we did not consider that the comments were appropriate in the individual circumstances of the particular query. Therefore, we upheld Mr C's complaint.

Mr C also complained about the handling of his subsequent complaint. Mr C felt it was inappropriate that his complaint was handled at the first stage of the process by the officer it was about and then was not properly addressed at the second stage. We found that having the officer complained about respond to his complaint was not a direct breach of prison rules. However, we considered that it would be best practice to avoid this situation. We also found that the second stage of the complaints process failed to give due regard to all relevant factors and evidence. On balance, we upheld this complaint.

Recommendations