

SPSO decision report



Case: 201709211, Scottish Prison Service
Sector: Scottish Government and Devolved Administration
Subject: policy / administration
Decision: some upheld, recommendations

Summary

Mr C works as part of a team of peer tutors within the prison. This includes him working with individual prisoners, or small groups of prisoners, within residential halls. Mr C understood a timetable for when peer tutoring could take place was agreed between the learning centre manager and prison senior management. However, there were occasions when prison staff refused to facilitate Mr C's requests to leave his cell to carry out peer tutoring sessions. Mr C complained that the Scottish Prison Service (SPS) unreasonably failed to ensure adherence to the previously agreed peer tutoring arrangements. He also complained about a subsequent review of peer tutoring arrangements. In particular, Mr C said the handling of the review was unreasonable.

The SPS' position was that the timetable referred to by Mr C was just a suggested protocol with proposed times of when peer tutoring may take place. We accepted that there would be occasions when access to certain activities, including peer tutoring, may be curtailed due to operational requirements arising within the prison. On the occasions when Mr C had not been unlocked from his cell for peer tutoring, this was because of operational requirements. We concluded that there was no official agreement in place with regards to peer tutoring times but a suggested protocol had been drawn up instead in an effort to support the function as much as possible.

We also looked at the prison's handling of the review. Mr C was concerned that the findings of the review were not communicated to him before the new process was implemented and that further layers of uncertainty were introduced. Mr C also felt the review failed to address issues which arose in relation to participation in the scheme or the times during which peer tutoring could take place. The SPS explained the review sought to examine how the role of peer tutoring was carried out and to address some concerns that had been raised. We agreed that the SPS had discretion to carry out reviews like this and they were responsible for deciding what areas to focus on during the review. We did not uphold either of Mr C's complaints.

Finally, we also looked at Mr C's concerns about the prison's handling of his complaints. He was concerned that despite raising his complaints there appeared to be an ongoing lack of awareness amongst staff regarding peer tutoring arrangements. Mr C also felt the prison failed to clarify issues raised surrounding the handling of the review of arrangements. We found that in responding to the complaints raised by Mr C, staff failed to take effective steps to ensure clarity surrounding the arrangements. We also felt it had not been made clear that the timetable Mr C understood was in place was only a suggested protocol and responses issued to Mr C were inconsistent. Therefore, we upheld this aspect of complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to take effective steps to provide definitive clarity surrounding peer tutoring arrangements. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "https://www.spsso.org.uk/information-leaflets"](https://www.spsso.org.uk/information-leaflets)
<https://www.spsso.org.uk/information-leaflets> .

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

- The prison should be clear on their standard approach to peer tutoring and should clearly communicate the position to staff and prisoners involved in those arrangements.

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.