

SPSO decision report

Case: 201800301, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Decision: upheld, recommendations

Summary

Mr C was removed from his cell to a different part of his prison temporarily and when he was returned to his usual cell, he said that some of his property was missing. Mr C put in a lost property claim to the prison, but they did not pay it. Mr C complained to the prison about this, and the Internal Complaints Committee (ICC) agreed with the decision not to pay his claim. Mr C claimed that the ICC's handling of his complaint was unreasonable.

We found that the form for clearing Mr C's cell was not completed properly and was not dated, so it was not known how long it took to secure Mr C's property. The ICC did not take this into account. They also did not consider that the property claim panel stated that Mr C's cell was cleared on a specific date, while there was no record of when the cell was cleared.

The ICC referred to a disclaimer that Mr C signed, stating that he was to be responsible for his own property when it was in his care; this was part of the reason for not paying Mr C's claim. We found that it was unreasonable to say that property was described as being in Mr C's care when he had been removed to another part of the prison, and his property was in his cell for an unknown period of time before it was secured. In addition, the ICC failed to ask the property claim panel what evidence, if any, they considered and how they had come to their view about Mr C's claim.

We upheld Mr C's complaint.

Recommendations