

SPSO decision report

Case: 201805484, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: staff attitude and dignity
Decision: some upheld, no recommendations

Summary

Mr C complained that a prison officer placed a complaint form he had completed into a shredder. Mr C told us this had been witnessed by staff and other prisoners. The Scottish Prison Service (SPS) said that the officer's version of events was that the complaint had been dealt with and Mr C was content that the paperwork could be disposed of. SPS accepted that the officer had failed to follow the Prison Rules, which require a clear process to be followed for every complaint received. In terms of the Rules, complaint paperwork has a retention period of 5 years. There is also a requirement for a copy of all complaints, whether resolved or escalated, to be retained in the prisoner's core file. We upheld this aspect of Mr C's complaint. However, we noted that the SPS had already apologised to Mr C for the failings in the handling of his complaint, both in person and in writing, and we therefore did not make any recommendations.

We also looked at SPS' investigation of the complaint, given that Mr C had told us there were witnesses to the incident, but SPS had not interviewed any witnesses. SPS provided evidence that they had not been told of any witness until they received our formal enquiry. When they then interviewed Mr C about the witness to the incident, he told SPS that the individual did not wish to be involved. While it would have been good practice for the SPS to explore whether there were any witnesses, as part of their complaint investigation, we considered that it would have been reasonable for Mr C to clearly identify any witnesses, and whether they supported his complaint, at the time of submitting his complaint to the Governor. He did not do that, therefore we found the SPS' investigation of his complaint was reasonable. We did not uphold this aspect of Mr C's complaint.