

SPSO decision report

Case: 201810096, Scottish Prison Service
Sector: Prisons
Subject: accuracy of prisoner record
Decision: upheld, recommendations

Summary

Mr C attended his brother's integrated case management (ICM) case conference. This meeting is held each year when the prisoner and those involved in supporting them get together to discuss their sentence management.

A document used to minute the discussions is then shared with all attendees. On receiving this document, Mr C wrote to the ICM coordinator raising concerns about inaccuracies and omissions in the record. The ICM coordinator responded to Mr C confirming that the content of his letter had been noted and placed on file. Mr C complained that the Scottish Prison Services' (SPS) handling of his submission about the ICM case conference record was unreasonable. Mr C also complained that the SPS failed to properly address his complaint.

In response to Mr C's complaint about the way his submission was handled, the SPS told him that his brother's own submission had been filed and was used as the record that both Mr C and his brother felt that the minutes captured were inaccurate.

We found that the relevant guidance indicates that all attendees at the case conference have a responsibility to check that the minute is an accurate, factual representation of discussions held and that they are content that their contribution has been accurately reflected. It confirms that attendees should notify the chair within 14 days of receiving the document of any concerns or requests for changes. The guidance does not explain how requests for amendments from any of the attendees should be considered, recorded or filed. Therefore, the administrative handling of this part of the process is a matter of discretion for the SPS to decide on.

By inviting all attendees to check that the minute is an accurate, factual representation of the discussions held, our view is that it is reasonable for all attendees to expect that any comments made by them, particularly regarding factual error or omission of irrelevant information or inclusion of relevant information are considered, and where appropriate, changes are made. We also concluded that the SPS' response to Mr C's complaint did not properly address the issue raised by him. Therefore, we upheld Mr C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to properly address his complaint and for not handling his submission reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- The SPS should review Mr C's submission in relation to the ICM case conference and consider what changes, if any, will be made to the record of the case conference. The SPS should share the findings of their review with Mr C, highlighting any changes agreed and, where appropriate, offer an explanation as to why requested amendments have not been included.

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

- The SPS should reflect on our findings and consider what process could be introduced to support section 10.7 of the ICM guidance to ensure submissions made by all attendees about the record of the ICM case conference are given fair and reasonable consideration and that this is communicated in an appropriate way.

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.