

SPSO decision report



Case: 201810244, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Decision: upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) failed to appropriately investigate his complaint. Mr C said that a prison officer had displayed inappropriate behaviour towards him and asked the SPS that CCTV footage be retained. The SPS concluded that no inappropriate behaviour was displayed towards Mr C and did not uphold his complaint. Mr C was unhappy with this response and brought his complaint to us.

Mr C said that there were at least six officers present at the time when the officer he complained about was allegedly displaying inappropriate behaviour, but said none of those officers present were interviewed. Mr C also questioned whether the CCTV had been viewed. We asked the SPS for notes or statements taken from the staff members spoken to as part of the investigation of Mr C's complaint. We also asked whether CCTV footage had been retained. The SPS confirmed they accepted that the original investigation of Mr C's complaint failed to acknowledge and report on the staff present at the time in question. They advised no statements were taken when officers were interviewed about the alleged incidents. The SPS also confirmed the CCTV footage was not retained and explained that CCTV footage was only retained for matters of security and good order, prisoner disciplinary proceedings or police matters. They told us that CCTV footage was not ordinarily retained for matters of daily activities in the prison including the investigation of complaints. Following our enquiry to the SPS, they also re-investigated Mr C's original complaint and shared the findings with us.

We had a number of concerns about the quality of the SPS' investigation of Mr C's complaint. In particular, the SPS' response inaccurately reflected that Mr C had asked that CCTV footage be reviewed when he had in fact asked several times that it be retained. The response also failed to confirm when the officer in question had been asked about the matter or given the opportunity to put forward their account. This was concerning given the CCTV footage seemed to support some of what Mr C had described. The SPS said they did not take statements from the officers present and they also failed to maintain a proper record of the evidence gathered as part of their investigation of Mr C's complaint. In light of our findings, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to appropriately investigate his complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance

In relation to complaints handling, we recommended:

- Consider whether CCTV footage should be retained in future when a complaint alleges inappropriate behaviours of staff members.
- Feedback our finding's to the staff involved in the handling and investigation of Mr C's complaint.

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.