

## SPSO decision report



**Case:** 201907882, Scottish Prison Service  
**Sector:** Prisons  
**Subject:** Complaints handling  
**Decision:** upheld, recommendations

### Summary

C complained to the prison about the treatment of their parent (A) who was involved in an incident which resulted in them being restrained by prison staff. C said that the use of force was excessive, causing A to sustain injuries. C also complained that A was denied medical assistance after being relocated to the prison's separation and reintegration unit (SRU) and denied the opportunity to make any telephone calls.

The Scottish Prison Service (SPS) issued a response to C who remained dissatisfied and complained to us. We found that the SPS's response was extremely brief, failing to address the issues raised. We returned the complaint to the SPS, advising that they submit a further reply to C. After receiving a further reply, C returned to us again, noting that the second response was inadequate and still failed to address the issues raised.

Our investigation found that the SPS failed to properly investigate C's complaint, as we did not see adequate evidence that they sought to establish relevant facts. SPS also failed to provide a full, objective and proportionate response to the issues raised. Therefore, we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to properly investigate and respond to their complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- Properly investigate the matters raised by C in their complaint and provide a full and detailed response to the matters raised.

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

- The SPS should provide complaint responses that: clearly set out the matters that have been investigated; confirm the relevant evidence assessed as part of the investigation of the complaint; and fully explains the organisation's response to the complaint.

In relation to complaints handling, we recommended:

- The SPS should confirm that staff are familiar with the model complaint handling procedure and should ensure that it is accessible to staff as a complaint handling tool.

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.