

SPSO decision report

Case: 201004624, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: orderly room hearing
Outcome: upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained that an orderly room report that was dismissed had remained on his record. We could not look at this complaint as it had come to us without going through the prison complaints system first. However, Mr C also complained that this information was given to the adjudicator in an orderly room hearing. He said that because of this, the information on which the adjudicator based their decision was inaccurate. When we looked into this, we found that the information provided to the adjudicator did contain these details. Although we did not take the view that this meant they received inaccurate information, the SPS were unable to provide us with evidence that in the circumstances the adjudicator was fully advised about Mr C's previous report record. We therefore upheld this complaint.

We did not, however, make any recommendations, because as a result of our enquiries the prison reviewed the level of detail provided about previous behaviour, and changed the information that they will in future provide to the adjudicator. We were pleased that they undertook this review and made changes. This should help to ensure that, in future, when an adjudicator makes a decision on punishment, it will be based on full information about the prisoner's disciplinary record. We suggested to the SPS that they share the outcome of the prison's review across the prison estate as an example of good practice in presenting such information.