

**Case:** 201102892, Scottish Prison Service  
**Sector:** scottish government and devolved administration  
**Subject:** staff treatment  
**Outcome:** not upheld, recommendations

### Summary

Mr C, who is a prisoner, told us that one night, after prisoners were locked in their cells, he was lying on his bed with the covers off. He said he saw an officer, who he thought was female, looking at him through the thin gap at the side of the cell door. Mr C said he jumped out of bed and challenged them. However, he did not get a response and the person left. Mr C complained to us that a member of staff observed him by looking through the gap in his cell door and this was inappropriate. Mr C thought there would be CCTV footage of the incident.

In their response to Mr C's complaint, the prison said that female or male staff looking in cells at any time was not voyeurism, and that prisoners had to be supervised. In response to our enquiries, the prison said it was not normally appropriate to observe prisoners through such a gap. They said, however, that there might be circumstances when this was required, and if so it would be preferable for this to be done by an officer of the same gender, although there was no policy about this. The prison also told us that they could find no information about whether CCTV footage was examined during their investigation of Mr C's complaint, or whether officers and prisoners were questioned about it. The prison said they no longer had footage from the date of the incident.

Without this, there was no evidence to support Mr C's claim that he was observed by a female officer through the gap at the side of his cell door, so we did not uphold his complaint. However, we were not satisfied about the way in which the prison responded to Mr C and we made a recommendation to address this failing.

### Recommendation

We recommended that the SPS:

- remind staff that complaints should be dealt with in line with the good practice on investigations outlined in the Staff Guidance on Prisoner Complaints document. Staff should ensure that complaints are investigated thoroughly, checking the available evidence, and responses to prisoners are specific to the complaint made.