

## SPSO decision report

**Case:** 201200829, Scottish Prison Service  
**Sector:** scottish government and devolved administration  
**Subject:** complaints handling  
**Outcome:** some upheld, action taken by body to remedy, no recommendations

### Summary

Mr C, who is a prisoner, had previously complained to the prison about the conduct of a member of staff and, due to the nature of the allegation, they reported the matter to the police for investigation. The police concluded that there was insufficient evidence to substantiate the allegation. Mr C complained that the prison then failed to carry out their own internal investigation, in terms of their staff code of conduct, and tell him their findings. The prison advised us that they had reviewed CCTV footage and assured themselves that there was no cause for concern. After the conclusion of the police investigation, they considered the matter closed. We considered this reasonable and did not uphold the complaint.

Mr C also complained that the prison unreasonably delayed in responding to his complaint. We found that they did not respond with the target timeframe, as set out in the prison rules, and did not offer an interim explanation or indication of when a response would be issued. We, therefore, upheld this aspect of the complaint but made no recommendations as the Scottish Prison Service had already issued revised instructions to prison governors about such matters.