

SPSO decision report

Case: 201203900, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained that when he submitted a complaint, the prison's hall manager did not offer him the opportunity to discuss it. When Mr C escalated the complaint to the prison's internal complaints committee (ICC) they acknowledged that the manager should have offered an initial discussion. In bringing his complaint to us, Mr C acknowledged that the prison had recognised the failing but expressed concern that they had not taken any action to stop this happening again. He noted that the failing had occurred again in other complaints he had submitted.

The prison told us that following Mr C's complaint, the chair of the ICC had approached the manager involved and discussed the requirement to discuss complaints with prisoners. We noted that the prison rules say that within 48 hours of receiving a complaint managers must allow the prisoner the opportunity to discuss this with a view to resolving it.

We had previously investigated a complaint about the failure to comply with this rule and, on that occasion, we recommended that a reminder be issued to staff, highlighting their duties in this regard. Despite this, we observed that this was apparently continuing, and so we looked at the relevant section of the prisoner complaint form. We noted that this did not contain a prompt for managers to record their attempts to discuss the complaint with the prisoner. In the circumstances, we upheld the complaint and made a recommendation.

Recommendations

We recommended that the Scottish Prison Service:

- revise Section 2 of the Prisoner Complaint Form (PCF1) to prompt residential first line managers to record that a meeting has been offered to the prisoner and whether the offer was accepted.