

## SPSO decision report

**Case:** 201302458, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Mr C is the solicitor of a prisoner with a disability (Mr A). Mr C complained that the prison would not arrange for members of staff to assist Mr A in moving round the prison. The prison said arrangements were in place for another prisoner to do so, but Mr A did not feel safe with this and believed that the prison were failing in their duty of care towards him.

The prison informed us that the arrangements in place involved Mr A being assisted by another prisoner who had undertaken appropriate training. They advised that this task would be carried out in the presence of a prison officer. They confirmed that the prison rules allow the governor to require a prisoner to work in the service of another prisoner. They, therefore, concluded that a prisoner could be tasked with this, provided that their suitability had been assessed and health and safety and training issues considered.

We did not uphold the complaint, as we were satisfied that the prison were entitled to have a suitable and appropriately trained prisoner carry out the task of assisting Mr A. We noted that, in terms of Mr A's concerns for his safety, a member of staff would always be present when this task was being carried out. We noted Mr A's dissatisfaction with the arrangements, but did not consider that this, in itself, provided evidence of maladministration or service failure.