

## SPSO decision report

**Case:** 201304980, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** disciplinary charges - reporting and inquiry  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, was involved in an altercation with another prisoner. Mr C said he was provoked into defending himself, and that he did so in line with guidance he was given on the prison's violence prevention programme (VPP). Mr C complained that the Scottish Prison Service (SPS) did not investigate the incident appropriately, and that the prison's internal complaints committee (ICC) failed to consider relevant evidence and to follow procedures in reaching their decision.

The SPS explained that Mr C's view on what he was taught at the VPP was not correct. The Prisons and Young Offenders Institutions (Scotland) Rules 2011 state that a prisoner is guilty of a breach of discipline if they fight with any person. The prison had evidence from a member of staff that Mr C was fighting, and Mr C did not present any mitigating evidence at the time he was charged. We found no evidence that the SPS failed to investigate the incident appropriately. We also looked at the records for the ICC and found that they considered relevant evidence, and followed the correct procedures.