

## SPSO decision report

**Case:** 201305950, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** escorted day absence  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that the Scottish Prison Service (SPS)'s arrangements in relation to Mr A's terminally ill mother were not handled properly. Mr C was concerned that Mr A was only allowed to spend 30 minutes with his mother at a hospice; that the security measures were excessive when Mr A visited his mother at the hospice and when he attended her funeral; that there was a lack of privacy when Mr C broke the news of her death to Mr A at the prison; that there was no reason to strip (body) search Mr A; and that the prison failed to respond properly to the complaints.

Whilst the evidence showed that there had been a delay of an hour in Mr A being escorted to the hospice, we found that the prison took reasonable steps to provide the resources they had available to allow Mr A to visit his mother at short notice after he had returned from court that same day. We also found that the prison followed their procedures in relation to the security measures in place when escorting Mr A to the hospice and to the funeral, so we did not uphold these complaints. However, we were critical that the prison did not have a record of their decision to refuse Mr A a further visit to the hospice so we made a recommendation to address this.

In relation to the strip (body) search, the SPS acted in accordance with the prison rules, in that they are entitled to search a prisoner at any time and we did not uphold this complaint. However, we recommended that the SPS consider recording strip (body) searches and develop guidance for staff. Subsequent to this, the SPS apologised for misinforming us that they had no staff guidance on the searching of prisoners. They provided written evidence of a protocol already in place.

We upheld Mr C's complaint about the way his complaint was handled. Although the prison have since taken proactive steps to review their mail process and raise awareness with relevant staff, we still recommended that they apologise to Mr C because his complaints were not handled in line with their procedures.

### Recommendations

We recommended that the SPS:

- remind staff at the prison to ensure their responses to all Escorted Exceptional Day Absence requests are recorded;
- consider recording when a prisoner is strip (body) searched and consider developing guidance for prison staff on prisoner searches; and
- apologise to Mr C for the inadequate handling of his complaint.