

SPSO decision report

Case: 201402202, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: communication by telephone
Outcome: not upheld, recommendations

Summary

Mr C complained that the prison's handling of his request to have a phone number added to his account was unreasonable. He said an officer told him that his request would be actioned the same day he submitted it but that did not happen. Instead, Mr C's request was actioned within three days. The directions to the prison rules say the governor may allow a prisoner to change their list of pre-approved phone numbers (referred to as a PAN list) as soon as practicable. In addition, the request form clearly states amendments will be processed within five working days. Therefore, we were satisfied the prison's handling of Mr C's request was reasonable and we did not uphold his complaint.

Mr C also raised concerns about the prison's handling of his complaint. It was unclear if steps were taken by the prison to explore whether the officer had given Mr C misleading information in relation to the time it would take to deal with his request. We asked the prison about that and they told us that the chairperson of the internal complaints committee (ICC) had checked the position and was advised that the information Mr C said he received from an officer was out-of-date but that was not recorded in the written response. In addition, the ICC chairperson agreed to allow the officer Mr C had named as a witness to attend the discussion of the complaint but the officer refused to attend which Mr C said was inappropriate. We were satisfied that the evidence Mr C wanted the officer to bring to the discussion was available to the ICC without having the officer attend. Overall, we were satisfied that the handling of Mr C's complaint was appropriate but we did make some recommendations.

Recommendations

We recommended that Scottish Prison Service:

- apologise to Mr C for the potentially misleading information given to him initially about PAN lists being updated on Fridays;
- remind staff of the relevant timescale in place for requests to update phone lists;
- remind those staff acting as chairperson that when a witness refuses to attend an ICC hearing, the chairperson ensures they have all relevant evidence available before reaching a decision on the complaint; and
- remind those staff acting as chairperson to ensure that the written response to a complaint records the steps taken to investigate the complaint.