

SPSO decision report

Case: 201502487, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, no recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) inappropriately failed to follow the correct process when placing him on disciplinary report. In particular, Mr C said the prison had given him a document that prisoners were not supposed to receive. He also said he had not received appropriate notification that he was being placed on disciplinary report. In addition, Mr C said the prison failed to respond appropriately to his complaint.

The SPS accepted that Mr C should not have been issued with the document and it should only have been made available to the adjudicator of his hearing. However, they did not consider that issuing the document to Mr C had impacted on the disciplinary process or resulted in him receiving an unfair hearing. We agreed with this position. In addition, the SPS were able to provide evidence that Mr C had received appropriate notification that he had been placed on disciplinary report. Therefore, we did not uphold this part of his complaint.

In looking at whether the SPS failed to respond appropriately to Mr C's complaint, we agreed that the response was dated incorrectly. However, we did not consider this error had affected the quality of the response. We accepted that the written response issued from the internal complaints committee (ICC) was confusing because it referred to a negative drug test result instead of a positive result. However, the chairperson of the ICC wrote to Mr C and agreed that they had incorrectly referred to a negative drug test result and apologised for any confusion caused. Given the administrative errors identified, we upheld this part of Mr C's complaint.