

SPSO decision report



Case: 201805719, Scottish Prison Service
Sector: Scottish Government and Devolved Administration
Subject: complaints handling
Decision: upheld, recommendations

Summary

Mr C raised a complaint with the Scottish Prison Service (SPS) because he was concerned that intelligence disclosed to him linked him to what he described as innocuous activity and groundless concerns. He also considered that a series of emails sent between SPS staff indicated a degree of misrepresentation of the factual situation and misrepresented the views of a member of staff from the psychology department. Mr C was unhappy with the way that the prison had handled his complaint. In particular, he had concerns about the time taken to respond to him and the steps taken to keep him informed of when he could expect to receive a full response. Mr C also had concerns about the quality of the response issued to him.

We found that the prison did not deal with Mr C's complaint in line with the timescale set out in prison rules. However, it is reasonable that not all investigations will be able to meet that timescale; some investigations are complex and require careful consideration and detailed investigation beyond the seven-day timescale. Where there are clear and justifiable reasons for extending the timescale, the SPS guidance on complaints confirms that a governor can inform the prisoner that there will be a delay and confirm when the response will likely be given.

In Mr C's case, the prison explained that the reason for the delay in issuing a response to his complaint was because a relevant member of staff was on leave, but they did not communicate a new timescale to him. We also found that the prison failed to address the fact that a staff member had in fact miscommunicated the views of another member of staff. Therefore, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to fully address the concerns raised. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/leaflets-and-guidance"](http://www.spsso.org.uk/leaflets-and-guidance) www.spsso.org.uk/leaflets-and-guidance .
- Fully address Mr's C's concerns about the misrepresented views of the psychology department and the failure of senior staff to clarify the matter.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.