

SPSO decision report



Case: 202303295, Scottish Prison Service
Sector: Prisons
Subject: Personal property
Decision: upheld, recommendations

Summary

C complained that the Scottish Prison Service (SPS) failed to appropriately investigate their lost property claim. C submitted a claim for lost items which went missing during a transfer to another prison. C complained about the handling of the claim, including the timescale for receiving a decision. C maintained that three bags of property were missing, whereas the SPS concluded that only one bag was unaccounted for. This office does not provide a route of appeal, and it was not our role to assess what property was missing or what compensation should be offered. Our focus was on the administrative handling of the claim, including whether the SPS assessed all relevant information and provided a clear explanation as to how they reached the conclusion that they did.

The evidence we received from the SPS of their assessment of the claim was difficult to follow. It was unclear to us how they concluded that one bag of property was unaccounted for. We found that this was based on a bag seal check eight months after C's prison transfer. C noted in the claim that much of the missing property had been kept in storage at their previous prison and was not in their possession ('in use'). The SPS said that C packed their own property prior to the transfer. It was not clear from the records what items C had 'in use' at their previous prison, and there did not appear to be a method in place for itemising 'in use' items packed from a prisoners cell prior to being placed within a sealed bag for transfer. C also alleged that some items were damaged during the transfer and we found no evidence that the SPS assessed this part of C's claim. The SPS communicated their final position more than three years after C initially raised matters following their prison transfer. It was not clear why this took so long. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the unreasonable length of time it took to progress their claim and communicate a final outcome. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Reconsider C's claim and communicate their finding to both C and the Ombudsman, explaining how the issues identified in this decision were considered.

What we said should change to put things right in future:

- In light of the issues identified in this decision, the SPS should consider what improvements could be made to the process of maintaining accurate and legible records of prisoners property to ensure any claims for missing or damaged property can be considered efficiently, and without unreasonable delay.

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.