

Case: 201103118, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained that the Scottish Prison Service (SPS) failed to properly consider his request for compensation for items of property that he said went missing when he was transferred between two prisons.

Mr C said that the first prison accepted that they had mislaid some of his property and offered him compensation. However, as he considered that the compensation offer was less than the value of the missing items he did not accept it. He also said that the first prison did not accept that they had lost other items of his property including jewellery and sunglasses. The second prison said they did not receive these items when Mr C was transferred there.

Our investigation found a discrepancy in the dates of transfer of Mr C's property between prisons, and that there were two slightly different sets of records for the assessment panel's decision on Mr C's compensation claim. There was also confusion about the items for which Mr C was being compensated. Although at first it appeared that certain items had been lost and compensation was offered, Mr C said that the lost property was later returned to him. He said that despite receiving the missing items, the SPS did not formally notify him of their return nor did they formally withdraw their offer of compensation.

We upheld Mr C's complaints, although we could not conclude anything about the sunglasses, as there was no record of these on Mr C's property card. We did, however, find that as the first prison had a record of receiving jewellery, but the second prison did not, it was reasonable to conclude that jewellery had gone missing. We also found that the SPS had not properly handled Mr C's request for compensation in line with prison rules and regulations. We made recommendations to address these failings.

Recommendations

We recommended that the SPS:

- review Mr C's claim for the loss of a chain, pendant and earring, in line with the relevant prison circular; and
- after reviewing the claim, follow up the matter in line with the relevant circular, if appropriate.

When it was originally published on 19 September 2012, this case contained a typographical error. This was corrected on 16 October 2013.