

31 January 2014

Margaret Brown  
Deputy Chief Inspector of Prisons  
HM Inspectorate of Prisons for Scotland  
Room Y1.2  
Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD

By email: Dorothy.Halliday@scotland.gsi.gov.uk

Dear Margaret

**Scottish Public Services Ombudsman Response to Consultation on Draft Standards for the Inspection of Prisons in Scotland**

Thank you for the invitation to comment on the Inspectorate's draft Standards for the Inspection of Prisons in Scotland. I welcome the opportunity to input to standards from the SPSO's position as the organisation with responsibility for investigating complaints relating to prisons, including those for prisons health.

The draft standards outline a sound framework for the inspectorate's work and will provide valuable guidance to the prison service on the standards expected in the treatment of and conditions for prisoners. I have limited my comments on the proposed standards to the reference to the handling of complaints and how the standards could more comprehensively reflect the standards which we have set of all public bodies through the work of our Complaints Standards Authority (CSA). The CSA has been undertaking a programme of improvement across the public sector in Scotland through the development and implementation of simplified and standardised model complaints handling procedures (CHPs) and the roll out of guidance and best practice in complaints handling.

We worked closely with the Scottish Prison Service (SPS) in the early stages of its work on simplifying and improving the way public sector complaints are handled, feeding directly into the development of the revised Prison Rules relating to complaints. From an early stage the SPS were receptive to our aims of developing a simple, streamlined process and have ensured that the key aims of our work were reflected in their complaints handling arrangements. The very strong emphasis in our work to improve public sector complaints handling is on early resolution of complaints as close to the frontline as possible. I am confident that the arrangements in place for prisons complaints provide clear, simple and effective access to the complaints handling process for prisoners and others, encouraging prisons to focus on resolving issues as quickly as possible and ensure that prisoners who remain dissatisfied can seek independent review from the SPSO in as short a timeframe as possible.

The standards reference complaints handling under Standard 5 (*Respect, autonomy and protection against mistreatment*) which states:

*A prison that is performing satisfactorily against this Standard will be able to demonstrate how it encourages the active participation of prisoners in decisions about their own lives.*

*The prison co-operates proactively with agencies that exercise statutory powers of complaints investigation or supervision over the prison.*

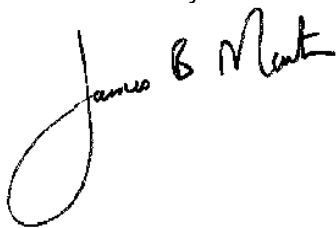
From a complaints handling perspective this places the focus on co-operation by prisons with SPSO and others in the exercise of the prisons duties, for example where a prisoner has exhausted the complaints process at a local level but remains dissatisfied and has approached the SPSO for independent investigation. From my perspective this would represent a minimum standard of compliance with legislative obligations set out in the SPSO Act 2002. I think it is important to develop this standard further to provide greater prominence to the importance of internal complaints handling by prisons and greater emphasis on the arrangements in place for managing and responding to complaints at a local level. This would include focus on a wider range of factors which would indicate a positive 'valuing complaints' culture, from resolving complaints effectively at the frontline through to using complaints information to inform and improve service delivery.

I would ask that consideration is given to referencing the following aspects which would help the inspectorate assess whether a valuing complaints culture is in place and whether prisons are open and receptive to complaints and the learning to be gained from them:

- Clear accessibility and visibility of the complaints procedure. This would include clear signposting and supporting those with needs or difficulties in accessing the system but also ensuring that real or perceived barriers to complaining have been identified and removed;
- A focus on resolving things early at the frontline, including whether apologies are given freely and action taken where things go wrong;
- Recording all complaints and monitoring and reporting on this regularly;
- learning from service failures, with systems in place to record, analyse and report on complaints outcomes, trends and actions taken. This would include seeking opportunities to share learning from individual institutions across the SPS estate;
- ensuring that processes are in place to identify and respond immediately to critical or systemic service failures or risks identified from complaints handling, including complaints of bullying and discrimination or factors affecting equalities duties;
- Strong, visible leadership on complaints from senior staff including support and training for staff and a recognition of the importance of effective complaints handling to good governance.

I appreciate that the standards cover the full range of factors important to the management of prison conditions and that they must remain concise. However, I would welcome further discussion between our organisations on how these aspects of complaints handling may be realistically included or referenced in the standards and the CSA would be willing to offer assistance or further information in this regard.

Yours sincerely

A handwritten signature in black ink that reads "James B Martin". The signature is written in a cursive style with a large, looping initial 'J'.

Jim Martin  
Ombudsman

Tel: 0131 240 8850 (Fiona Paterson, Personal Assistant)  
Email: [fpaterson@spsso.org.uk](mailto:fpaterson@spsso.org.uk)