

Colin McConnell
Chief Executive
Scottish Prison Service
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27 September 2012

Dear Mr McConnell

Annual letter 2011-12: complaints to SPSO about the Scottish Prison Service

This letter contains the SPSO's complaints statistics about the Scottish Prison Service for the 2011-12 financial year. It gives information about the numbers of complaints that we received and determined. It also highlights the number of premature complaints (those that came to this office too early, before completing the SPS complaints process) and those complaints that were 'fit for SPSO' (i.e. valid for investigation by us) and their outcome.

As you know, we took on complaints about the SPS in October 2010, part way through our reporting year. The tables supplied with this letter therefore show only a part year's figure for 2010-11, for the period October 2010 to March 2011, and then for the full year 2011-12. In November 2011, we took on complaints about healthcare in prisons, when these became the responsibility of regional health boards rather than the SPS. In 2011-12 we determined nine complaints about prison health centres, almost all of which reached us prematurely. The statistics for prison health cases are included in the information tables for health boards. You can find these on our website at <http://www.spsso.org.uk/statistics/2011-12-letters-health-boards>.

Statistics

Comprehensive statistical information about all the sectors under our remit is available at the following link: www.spsso.org.uk/statistics. In summary, in 2011-12, the SPSO:

- received **3,918** complaints about all areas of our jurisdiction
- received **385** complaints about the Scottish Prison Service

The following pages provide information about the complaints we handled about SPS in 2011-12. The first table shows the main subjects of the complaints we have received about SPS over the past two years. The second table shows the outcomes of the complaints we handled about SPS during the past two years. It also highlights the rate of premature and fully/partly upheld complaints. Although I have provided figures for both 2010-11 and 2011-12, I have not made a direct comparison of these figures in this letter. As we only received complaints about prisons for part of the year, our 2012-13 complaints figures will be the first from which a true comparison can be made. The figures show that we resolved more complaints than we received because there were a number of complaints carried forward from 2010-11 into 2011-12.

The upheld/partly upheld outcomes relate to complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and which were determined at the Early Resolution (ER) 2 or Investigation (INV) 1 or 2 stages of our process. ER2 and INV1 are investigations that conclude in a decision letter, and INV 2 concludes in a full investigation report. Since June 2011, we have published outcomes of complaints that were 'fit for SPSO' on our website. These are searchable (by sector, organisation, subject etc) and can be accessed at <http://www.spsso.org.uk/our-findings>.

The cases we received about SPS were similar to last year. Although we received more of them, the subjects about which we received most complaints remained the same. Complaints about security, control and progression, although fewer than last year, were still top of those we received (65 complaints), followed by those about privileges and prisoner property (51 complaints); communication and records; and health, welfare and religion (45 complaints each). The number of complaints we received increased in almost all categories.

During 2011-12 I laid one full investigation report about prisons before the Scottish Parliament (case 201002487) . As in the case on which I reported in the previous year, it related to drug testing in a prison. I upheld the complaint as I found that procedures were not properly followed. I also made it clear that in doing so I was not condoning drug misuse, and recognised that keeping prisons drug-free is an ongoing challenge for the SPS.

We determined 389 complaints from prisoners, of which we upheld twenty in full or in part. In most cases, we find that the matter that has been complained about is something that the prison was entitled to do, or a decision that staff were entitled to take within the Prison Rules. Where we did find fault and made recommendations, I have welcomed the SPS'

continuing positive response. My staff will continue to work with the SPS to help put in place the learning from complaints and to ensure that prisoners know how to access our services.

The Complaints Standards Authority (CSA)

As you know, a focus of our work over the past year has been on improving standards of complaints handling across all sectors, with an emphasis on early resolution by organisations. Our Complaints Standards Authority supported the changes to the Prison Rules on complaints handling to ensure they would align with our complaints handling best practice principles. We have also been pleased to deliver training in complaints handling to the SPS. There is more information and tools for advice, support and guidance on complaints handling on the CSA's website at www.valuingcomplaints.org.uk.

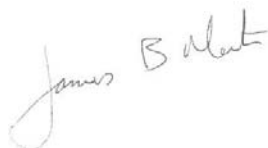
Using complaints information

The statistics we give here should help you reflect on and identify ways to improve your complaints handling, and it may be helpful to consider:

- what action you can take to promote early resolution of complaints
- what you can do to reduce the level of premature complaints
- whether the subject of complaints brought to SPSO meet your expectations
- how you share the learning from our recommendations with staff across SPS
- how our recommendations are monitored and actioned at senior level and how service changes and improvements are managed
- how you tell service users about action taken to improve services as a result of complaints resolved locally and through SPSO recommendations.

As ever, I value feedback about our work and would welcome any comments about this summary or any other aspect of our service.

Yours sincerely



Jim Martin

Ombudsman

For queries about the statistics, please contact Annie White, Casework Knowledge Manager, at awhite@spsso.org.uk or tel: 0131 240 8843.

Scottish Prison Service Complaints Received

Subject Group	2011-12
General Enquiry	1
Admission, Transfers and Discharge	18
Communication and Records	45
Discipline	18
Health, Welfare and Religion	45
Leave from Prison (Including Home Detention Leave)	22
Physical and Personal Environment	25
Privileges and Prisoners Property	51
Security, Control and Progression	65
Supervision Levels	2
Work, Education, Earnings and Recreation	23
Subject Unknown or Out Of Jurisdiction	70
Total	385

Note: we started receiving prison complaints in October 2010

Subject Group	2010-11
Admission, Transfers and Discharge	17
Communication and Records	32
Discipline	17
Health, Welfare and Religion	21
Leave from Prison (Including Home Detention Leave)	17
Physical and Personal Environment	15
Privileges and Prisoners Property	33
Security, Control and Progression	83
Supervision Levels	2
Work, Education, Earnings and Recreation	13
Subject Unknown or Out Of Jurisdiction	45
Total	295

Scottish Prison Service Complaints Determined

Stage	Closure Category	2011-12
Advice	Matter out of jurisdiction (discretionary)	4
	Matter out of jurisdiction (non-discretionary)	26
	No decision reached	74
	Outcome not achievable	4
	Premature	54
	Total	162
Early Resolution 1	Matter out of jurisdiction (discretionary)	5
	Matter out of jurisdiction (non-discretionary)	14
	No decision reached	44
	Outcome not achievable	13
	Premature	25
	Total	101
Early Resolution 2	Fully Upheld	9
	No decision reached	4
	Not upheld	88
	Partly Upheld	8
	Total	109
Investigation 1	No decision reached	1
	Not upheld	13
	Partly Upheld	2
	Total	16
Investigation 2	Partly Upheld	1
	Total	1
Total		389

Note: we started receiving prison complaints in October 2010

Workflow stage	Closure Category	Oct 2010-11
Advice & Signposting	General Enquiry	3
	No Decision Reached	1
	Outcome Not Achievable	1
	Total	5
Advice	No Decision Reached	61
	Out of Jurisdiction (Non-Discretionary)	26
	Outcome Not Achievable	1
	Premature	25
	Total	113
Early Resolution 1	No Decision Reached	12
	Out of Jurisdiction (Discretionary)	7
	Out of Jurisdiction (Non-Discretionary)	2
	Outcome Not Achievable	14
	Premature	7
	Total	42
Early Resolution 2	Fully Upheld	8
	No Decision Reached	2
	Not upheld	57
	Partly Upheld	3
	Total	70
Investigation 1	Fully Upheld	2
	No Decision Reached	1
	Not upheld	11
	Partly Upheld	1
	Total	15