

## SPSO decision report

**Case:** 201202274, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** personal property  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, submitted a lost property claim for an item of clothing and two jewellery items. He suspected that they had been stolen by his cell mate. The prison did not uphold his claim, as they said valuable items were kept in use at his own risk and it was his responsibility to ensure they were kept in a safe. Mr C complained that he did not have access to a safe as there was only one working safe in his cell and his cell mate was using it. The prison did not uphold his complaints and repeated that items were kept in use at his own risk.

In bringing his complaint to us, Mr C explained that he was not given access to a safe, despite asking for this on numerous occasions. In responding to our enquiries, the prison confirmed that they were aware of problems with the safe in Mr C's cell but advised that he had declined offers to be moved to another cell. They also informed us that prisoners can access a safe storage facility at reception. We were, therefore, satisfied that appropriate alternative facilities were available to Mr C. We acknowledged that it would have been helpful for the prison to have referred to this when responding to Mr C's claim and subsequent complaints. However, we could not conclude that they had failed to take relevant information into account in deciding not to uphold Mr C's claim. From the information provided, we were also satisfied that the prison had taken reasonable steps at the time to investigate the alleged theft.