

SPSO decision report

Case: 201203296, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: visits
Outcome: some upheld, recommendations

Summary

After an incident, Mr C, who is a prisoner, was placed on closed visits (where a prisoner and their visitor cannot make physical contact) for a month. Mr C complained to us that the prison did not review his closed visit status appropriately. He said the review board did not consider his closed visit status within a reasonable time and the results of the review board were not communicated to him properly.

Our investigation found that a prisoner can be placed on closed visits if they behave inappropriately. The prison's guidance says that a prisoner's closed visit status will be reviewed monthly by a review board and the prisoner will be advised of the outcome. In Mr C's case, his closed visit status was reviewed by the prison a little under seven weeks after he was placed on closed visits. In addition, the prison told us that the results were fed back to him and he received a paper copy of the decision. Mr C's evidence to us conflicted with the information provided by the prison. Because of that, we were unable to determine with certainty whether the decision had been clearly communicated to Mr C, so we upheld his complaint made recommendations to address this.

Mr C also complained to us about the internal complaints committee (ICC). He said the officer who responded to the earlier stage of his complaint was also a member of the ICC and he felt that was inappropriate. We did not uphold this complaint. We noted that the ICC is responsible for considering a prisoner's complaint at the later stage. The prison rules and complaints handling guidance state that the ICC must be made up of at least three members, two of whom must be officers or employees from the prison. There is nothing to suggest that an officer who responded to the earlier stage of the prisoner's complaint cannot also be involved in the ICC stage. The prison told us that they were satisfied there was no conflict of interest in having the same officer sit as a member of the ICC. We were satisfied that the prison appropriately exercised discretion in deciding that the officer could also sit as a member of the ICC and that they did so in line with the prison rules and guidance.

Recommendations

We recommended that the Scottish Prison Service:

- ensure the prison reviews the wording of the closed visit protocol to ensure that the timescale for review is clear; and
- take steps to ensure that a prisoner confirms he has received a copy of the written decision of the review board by signing for receipt of the document.