

## SPSO decision report

**Case:** 201300546, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, complained about the prison's handling of his complaint. He had made a request for additional phone credits and his complaint to the prison was about a delay in this request being processed. In responding, the prison's internal complaints committee (ICC) had mentioned the detail of Mr C's request and said that, as it was still being considered by a unit manager, it would not be appropriate for them to duplicate this effort. Mr C complained to us that the ICC had failed to address the issue of delay (the reason for his complaint) and did not feel it was appropriate for them to expect the unit manager to address this when it was his actions that had given cause for complaint. In any event, Mr C noted that the eventual response from the unit manager had not addressed delay.

We noted that the line between Mr C's ongoing request and his complaint about the delay in processing it appeared to have become blurred, and that this had resulted in the ICC overlooking the complaint of delay that was put to them and focussing on the detail of Mr C's request. While we did not agree with Mr C that it would necessarily have been inappropriate for the unit manager to have been asked to respond to the complaint alongside the request, we noted that this did not appear to have happened.

Although the complaint of delay was overlooked, we had to assess the impact this had on Mr C before we could determine whether the prison's actions merited criticism. We also gave consideration to the appropriateness of Mr C's use of the complaints process to complain about a live matter, when he would not have been aware of the extent of the delay he was complaining of. As Mr C did not ask us to consider the substance of his complaint, we were unable to assess the merit of it, or what impact, if any, the identified omission had on him. In the absence of any assessable evidence to demonstrate that the omission had a significant impact on Mr C, we did not uphold the complaint.