

SPSO decision report

Case: 201303600, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, claimed that the Scottish Prison Service (SPS) failed to properly investigate his claim for property that went missing when he was removed from his cell. He said that staff left the cell door open and other prisoners had taken his property. The SPS told us that Mr C's cell door was locked after he was removed from it. They also said that they had cleared the cell and listed the items that were removed from it. The items that belonged to Mr C were held in the reception area for him, and the other items were confiscated.

The items Mr C had claimed compensation for had been in his use before he was removed from the cell. There was no evidence that staff left the door open or that the SPS were responsible for the items that went missing. However, we found that staff delayed in investigating Mr C's claim, and that two of the items they confiscated did in fact belong to Mr C. We brought this to the SPS's attention and they said that they would compensate him for these, as they had been destroyed. In view of this and the delay in investigating the claim, we upheld Mr C's complaint.

Recommendations

We recommended that the SPS:

- issue a written apology to Mr C for the failings identified; and
- take steps to ensure that other prisoners do not face similar delays when they make claims for missing property.