

## SPSO decision report

**Case:** 201400007, **Scottish Prison Service**  
**Sector:** Scottish Government and devolved administration  
**Subject:** personal property  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that prison 1 did not properly investigate his claim for his lost property after he submitted two claim forms. When Mr C was transferred from prison 2 to prison 1, he signed on his property card that he had a mobile phone in storage in prison 2, but there was no record of it having been received by prison 1 when he arrived there. Although prison 1 had obtained evidence that Mr C had a mobile phone before transfer, they rejected his claim on the basis that there was no evidence to show that prison 2 sent it. They also said that Mr C had signed a form to say that his property was correct.

We found that prison 1 should have pursued the matter with prison 2 on Mr C's behalf, as there was evidence to show that the mobile phone had been in storage there and then gone missing. We acknowledged that prison 2 appeared to have looked for evidence during their investigation of the claim, but we decided that they unreasonably overlooked evidence of the mobile phone having gone missing while in the care of the Scottish Prison Service (SPS). This has since been acknowledged by the SPS during our investigation.

We were also critical there was no evidence to show that prison 1 told Mr C in writing of the reasons why they had rejected his first claim form. In addition, they did not appear to have told him how to appeal their decision.

### Recommendations

We recommended that SPS:

- consider reimbursing Mr C for the cost of the mobile phone; and
- ensure staff at prison 1 notify prisoners in writing of the reasons why a claim has been rejected and give information about appealing the decision in accordance with the claims procedure.