

SPSO decision report

Case: 201501602, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C said he issued a letter to his solicitor and he requested that it be sent by special delivery. However, Mr C said an officer told him that his letter had been lost and asked him to resubmit it, which he did. Mr C said that it was unreasonable that his original letter was lost and that there had been an unreasonable delay in issuing the letter he resubmitted. He also complained that the prison did not respond appropriately to his complaint.

In response to Mr C's complaint, the Scottish Prison Service (SPS) said it was unacceptable that Mr C's letter was lost. However, when we made enquiries with the SPS, they told us the officer identified by Mr C in his complaint had said he did not tell Mr C that his letter had been lost. Instead, the officer said Mr C approached him to say that a letter he had sent by standard delivery to his solicitor had not arrived. The officer said he advised Mr C to resubmit the letter. There was no other evidence available to support Mr C's position that his original letter had been lost by the prison.

We also looked at whether there had been an unreasonable delay in the SPS issuing Mr C's letter. The evidence available confirmed that the prison deducted the special delivery postage fee from Mr C's account, but his letter did not reach its destination until four days later. The SPS explained that all prisoner mail being sent by recorded or special delivery had to be hand-delivered to the nearest post office by a member of staff. They said it could not always be done on the day the letters were collected from prisoners. In Mr C's case, the SPS explained that his letter was collected on a Friday, taken to the post office after the weekend, before being delivered to its recipient on the Tuesday.

In light of the evidence available, we did not uphold Mr C's complaints. However, we did agree that the prison did not respond appropriately to his complaint. It was apparent that steps were only taken to speak with the officer identified in Mr C's complaint after we made an enquiry to the SPS. We felt this should have been done when Mr C made his complaint to the prison.

Recommendations

We recommended that the SPS:

- share our findings with relevant complaints handling staff and remind them to ensure that, where appropriate, individuals identified in complaints are interviewed.