

## SPSO decision report

**Case:** 201502634, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** disciplinary charges - orderly room proceedings  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained because he said the adjudicator failed to follow the proper process at his disciplinary hearing. In particular, Mr C said he was not allowed to cross-examine the first witness who was called to give evidence against him. He also said he had wanted to call three witnesses but was only permitted one, and he was not allowed to put forward points in mitigation.

The prison rules confirm that the adjudicator must allow the prisoner the opportunity to call witnesses where permitted to do so, and must allow the prisoner to cross-examine any other witness. The prison rules also confirm that the adjudicator has discretion when deciding whether to allow the prisoner to call witnesses.

We reviewed the disciplinary paperwork and questioned the adjudicator. The paperwork confirmed that Mr C wanted to have the witnesses against him appear in person so the adjudicator called to the hearing the officer who reported Mr C. The paperwork also confirmed that the adjudicator permitted two of Mr C's witnesses. The paperwork also noted the response put forward by Mr C in mitigation.

In light of the evidence available, we were satisfied that the adjudicator followed the proper process and we did not uphold Mr C's complaint.