

SPSO decision report

Case: 201508549, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: disciplinary charges - orderly room proceedings
Outcome: some upheld, recommendations

Summary

Ms C complained that when the Scottish Prison Service (SPS) were assessing evidence at a disciplinary hearing for fighting, they had not considered all relevant CCTV of the incident before reaching their decision. Ms C believed that there was further CCTV camera footage which had not been shown. Ms C was also unhappy that, when she complained about this, the Internal Complaints Committee (ICC) did not say whether all the CCTV footage had been reviewed and there was no attempt to allow her to attend the ICC as she had been transferred to another prison.

We found that the additional cameras that Ms C wished to be shown as evidence did not exist. Therefore, we were satisfied that all relevant CCTV evidence was considered prior to reaching a decision on her disciplinary hearing and we did not uphold this aspect of her complaint.

In relation to Ms C's complaint about the ICC, we found that, while we were satisfied that the ICC had considered the available evidence, the ICC decision to Ms C merely stated that they had reviewed 'all evidence presented' without responding to her specific request that other footage be considered. Our view was that they should have noted the lack of additional footage and expressed this to Ms C in a way that allowed her to be satisfied that the points she had raised had been taken on board. The prison had already acknowledged, in response to our enquiries, that they did not consider options to allow Ms C to take part in the ICC. They have now put in place a process to ensure that if a prisoner transfers to another establishment prior to an ICC, video conferencing will be available to enable them to take part in the ICC. We upheld this aspect of Ms C's complaint.

Recommendations

We recommended that SPS:

- remind staff involved in ICC decision-making of the need to adequately record all evidence considered and communicate decisions and the reason(s) for those decisions clearly to the complainant; and
- apologise to Ms C for the failings identified in the handling of her complaint.