

SPSO decision report

Case: 201508787, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: communication by phone
Outcome: upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) had unreasonably, and without proper explanation, removed an '08' number from the list of numbers he could call. The 08 number in question redirected to his home number and allowed him to make daily contact with his child at a discounted rate. He had had this number on his list for over a year, however this number was removed from his list without consultation or prior warning.

We found that the Scottish Prison Rules (Telephones) Direction 2011 stated that prisoners are prohibited from using a prisoner telephone to make a phone call, without the prior approval of the governor, to a phone number beginning with 08. The prison explained that numbers like this, which divert to numbers unknown, could present a threat to security and organised crime as well as potentially causing operational difficulties by allowing unlimited time on the prisoner phone. We were satisfied that this explanation was reasonable and that the prison was acting in accordance with the rules in removing the 08 number from Mr C's list of numbers. The prison acknowledged that the 08 number was added to Mr C's list of numbers in error and without the prior approval of the governor, as required by the rules, and that Mr C should have been properly informed when the 08 number was removed. We upheld Mr C's complaint. The prison have now taken action to try to prevent a similar situation occurring in the future by reminding staff of the correct process.

We also had concerns about the way in which Mr C's complaint was handled. Our view was that, had the complaint been properly investigated and a detailed response given to Mr C, this may have prevented escalation of the complaint. Also, an Internal Complaints Committee (ICC) response to Mr C had indicated that prison staff should meet with him to discuss alternative options for family contact; however, this had not taken place.

Recommendations

We recommended that SPS:

- apologise to Mr C for the failings identified by this investigation;
- comply with the ICC response and ensure that prison staff meet with Mr C to discuss alternative options for family contact; and
- undertake a root cause analysis of the way Mr C's complaint was handled to identify why errors were made and to learn from this.