

SPSO decision report

Case: 201607620, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: resolved, no recommendations

Summary

Ms C complained to the Scottish Prison Service (SPS) that she had been unfairly and wrongfully found guilty of breaching prison rules at a disciplinary hearing. She said a number of errors were made. In their response to Ms C's appeal, the SPS agreed that the correct procedures were not followed in her case. However, they said that the finding was based on evidence that proved Ms C was guilty beyond reasonable doubt. Therefore, Ms C's appeal was not upheld.

When we received Ms C's complaint we asked the SPS to review the matter and to confirm to us whether they were satisfied that the finding of guilt in Ms C's case should stand, despite the failings that had been acknowledged in her appeal. We also pointed out that the appeal paperwork did not show that the internal complaints committee, who considered Ms C's appeal, consisted of the appropriate members as per the prison rules.

The SPS confirmed to us that they reviewed the matter and that they found a host of procedural errors. The SPS said that the finding of guilt against Ms C would be overturned and that the charge would be removed from her record.

We were satisfied that this outcome meant that Ms C's complaint had been resolved.