

SPSO decision report



Case: 201707686, Scottish Prison Service
Sector: Prisons
Subject: complaints handling
Decision: upheld, recommendations

Summary

C complained in their own right and on behalf of their child (A) about the Scottish Prison Service (SPS)'s handling of two complaints they made. C also complained about A being transferred to another prison, that they did not receive a reasonable explanation of why they were transferred, and about the SPS's response to a complaint made by A.

We found that the SPS's handling of C's complaints was not in line with good practice, and communication with C about their complaints were not clear. Therefore, we upheld these aspects of the complaint.

We also found that, while the SPS had the authority to transfer A, they had not recorded the reasons for doing this, in line with their own procedures, and were therefore unable to confirm the reasons for their decision. Therefore, we also upheld these aspects of C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the unreasonable handling of their complaint and for failing to provide a reasonable response to their letter.
- Apologise to C and A for failing to record or explain the reason for A's transfer. The apologies should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets

What we said should change to put things right in future:

- A clear record should be made of the reasons a prisoner is being transferred, explaining, where appropriate, what behaviour has led to the decision to transfer, what evidence is available of that behaviour and, importantly, why the prison consider transfer is an appropriate way to address that behaviour. This record should then be shared with prisoners, unless there is a clearly recorded security reason not to do so.

In relation to complaints handling, we recommended:

- All complaints should be reasonably investigated, with a record made of any discussions with staff. Full explanations should be provided to all complainants.
- Complaints should be handled and responded to in line with the relevant process and the Model Complaints Handling Procedure.
- Responses to complaints should address the points raised, or explain why information cannot be provided.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.