

SPSO decision report

Case: 201802883, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: assignment of supervision level
Decision: not upheld, no recommendations

Summary

Ms C complained about her treatment by the Scottish Prison Service (SPS). Due to her circumstances, Ms C's supervision level was raised to high. Ms C accepted the prison rules in relation to this, however, claimed that other prisoners under the same circumstances as her remained at a low supervision level. In addition to this, Ms C complained about being turned down for a job that required a low supervision level. She provided the names of a number of prisoners who she stated worked low supervision jobs despite being of a higher supervision level. Finally, Ms C complained about how her complaint was handled.

Given concerns about data protection and privacy, we did not consider it appropriate to ask SPS for information about the individuals named in Ms C's complaint. In response to the first complaint, we were satisfied that the SPS were entitled to assign Ms C a high supervision level and had provided reasonable justification for this. We were also satisfied that SPS appear to have reviewed the supervision levels of current prisoners with the same circumstances as Ms C and confirmed they are being treated consistently. Therefore, we did not uphold this complaint.

In response to the second complaint, SPS confirmed that the job Ms C had wanted requires a low supervision level and they were not aware of any prisoner undertaking this role with a higher supervision level. However, the unit manager of the prison advised they would be willing to look at individual cases should Ms C provide details of names and dates she believed this happened. We acknowledged that the evidence available to us was limited due to not being able to directly request information relating to specific individuals. However, we were satisfied that SPS appear to have taken steps to consider whether specific work roles were being given to people of an appropriate supervision level. Therefore, we did not uphold this complaint.

In respect of the third complaint, Ms C and SPS provided contradicting accounts of how the complaints process was handled. We did not consider there to be sufficient evidence to support one account over the other. Therefore, we did not uphold the complaint. However, we provided feedback about informing prisoners of the Internal Complaints Committee (ICC) decision within 20 days of a complaint being referred to the ICC.