

## SPSO decision report



**Case:** 201900780, Scottish Prison Service  
**Sector:** Prisons  
**Subject:** non-legal correspondence  
**Decision:** some upheld, recommendations

### Summary

Mr C said that mail sent to him by recorded delivery, which arrived at the prison, had not been received by him. Mr C said that he did not sign the mail log. This is a document used by the prison to record that a prisoner has received recorded mail items that have arrived for them. Mr C believed the signatures shown were forged.

The prison concluded that all recorded delivery mail addressed to Mr C, and received at the prison on the dates in question, had been signed for by him.

Mr C said that the prison failed to handle his mail appropriately. He also complained that their handling of his complaints was unreasonable. Mr C was unhappy with the time taken to investigate the matter and felt no information was shared with him during the investigation. Mr C also said that no relevant investigation was carried out. He felt an expert should have been asked to analyse the signatures shown on the mail log.

We could not determine one way or the other whether the signatures shown on the mail log sheets in question were Mr C's and considered a proportionate investigation had been carried out. There was no evidence to cast doubt on the findings of the Scottish Prison Service's (SPS) investigation. On balance, and with the absence of any further reliable corroborating evidence, we concluded that Mr C's mail appeared to have been handled appropriately by the SPS. We did not uphold this aspect of Mr C's complaint.

In relation to the handling of Mr C's complaints, we felt that the investigation carried out by the SPS was reasonable and proportionate. However, we concluded that steps should have been taken at an early stage to notify Mr C that the investigation of his complaint would not be completed within the timescale set out in the Prison Rules. He should also have been advised of a new timescale and of any further delays in finalising the investigation of his complaint. In addition to this, we concluded that although several discussions were said to have taken place between staff and Mr C to keep him informed of the ongoing investigation, no record of when those discussions, or their content, were kept. In light of this, we upheld this aspect of complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for not handling his complaints reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

In relation to complaints handling, we recommended:

- SPS should handle complaints in line with prison rules and complaint handling guidance.

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.