

SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN

People Centred | Improvement Focused



Address: FREEPOST
SPSO

Freephone: 0800 377
7330

(Confidential to all
prisoners)

Resolving your complaint

Ref no

Date

Dear

Thank you for asking us to consider your complaint about the Scottish Prison Service (SPS). We are returning your correspondence to you as we can only consider this matter after you have completed the SPS complaints process.

Please see details of the complaints procedure on pages 3 and 4 of this leaflet. There are different processes for each type of complaint:

- **Prisoner Complaint Form 1 (PCF1)** - for general complaints to the SPS that are not of a sensitive or confidential nature. This form has 5 parts which need to be completed before we can look at your complaint.
- **Prisoner Complaint Form 2 (PCF2)** - for complaints that are of a sensitive or confidential nature.
- **Prisoner Appeal Against a Disciplinary Hearing (PAF1 and PAF2)**

For all establishments **apart from HMP Addiewell**, please follow the advice in either section 1 or 2 on page 4 of this leaflet. You should fill out a PAF1 or PAF2 and pass this to an officer.

For prisoners in HMP Addiewell you should fill out a PAF2 and pass this to an officer.

The advice below tells you what you need to do next:

- ☐ Submit a PCF1 or PCF2 to the SPS
- ☐ Submit a PAF1 or PAF2 to the SPS
- ☐ Provide us with a fully completed PCF1 or PCF2, or a PAF1 or PAF2 and return with the enclosed form/letter
- ☐ Please complete the enclosed SPSO complaint form detailing what you would like us to consider and provide us with a copy of your fully completed PCF1 or PCF2 or PAF1 or PAF2 paper work

Getting help with your complaint

If you would like assistance the Independent Prison Monitors may be able to help you. They do not work for the prison. They aim to ensure that prison conditions and the treatment of prisoners are of an acceptable standard. There are two ways to contact an Independent Prison Monitor confidentially:

1. Call their freephone number 0800 056 7476 and leave your name, number and prison. A monitor will contact you as soon as possible.
2. Speak to an Independent Prison Monitor when they visit your prison.

How to complain about the SPS

Prisoner Complaint Form 1 (PCF1) - for general complaints to the SPS (not of a sensitive or confidential nature)

Part 1

You can complain by speaking to a Residential First Line Manager (RFLM) or fill out part 1 of the PCF1 Form and hand it to your RFLM.

Part 2

Within 48 hours, the RFLM can set up a meeting with you to discuss your complaint which they may be able to resolve at this stage. If not, a nominated officer will carry out an investigation. You will receive a written response within 5 days.

Part 3

If you are unhappy with the response given by the RFLM then you should complete part 3 of the PCF1 form and give this to an officer. This will be passed to the Internal Complaints Committee (ICC).

Part 4

The ICC will hold a hearing into your complaint. They will make recommendations to the Governor.

Part 5

The recommendations will go to the Governor who can agree with or change the ICC decision. You will receive a written response within 20 days of submitting your complaint to the ICC.

Prisoner Complaint Form 2 (PCF2) - for complaints of a sensitive or confidential matter

Fill in a PCF2 and put it in a sealed envelope marked 'PCF2 Confidential' and give this to a member of prison staff. This will then be passed to the Governor.

The Governor will investigate your complaint and provide you with a written response within 7 days. If the Governor decides your complaint is not appropriate for the PCF2 process, your complaint will be returned and you should submit a PCF1.

Prisoner Appeal Against Disciplinary Hearings (PAF1 & PAF2)

1. If your hearing was held in a public prison and you want to appeal the decision reached or punishment awarded by the adjudicator at the hearing (Rule 118), you should complete a Prisoner Appeal Form 1 (PAF1) and pass to a member of staff.

Your appeal will be considered by the ICC. You will be given the opportunity to attend that hearing.

The ICC will submit their recommendations to the Governor in Charge for a final decision. You will receive this decision in writing within 20 days of your appeal being submitted.

2. If your hearing was heard in a public prison by the Governor in Charge, you should complete a PAF2 if you want to appeal the decision reached or the punishment awarded. Pass your completed PAF2 to a member of staff.

The appeal will then be forwarded to a representative of the Scottish Ministers. You will receive a decision in writing within 20 working days of your appeal being submitted.

3. If your hearing was held in HMP Addiewell, and you want to appeal the decision reached or the punishment awarded, you should fill out a PAF2 and pass this to an officer.

The appeal will then be forwarded to a representative of the Scottish Ministers. You will receive a decision in writing within 20 working days of your appeal being submitted.

Once you receive the final response, and if you remain dissatisfied, you can return to the Scottish Public Services Ombudsman (SPSO) and ask us to consider your complaint. Please note that the SPSO is not a further route for a prisoner to appeal against the decision reached at their disciplinary hearing or the punishment awarded. Our role is limited to looking at complaints from prisoners who think the prison did not follow the disciplinary process properly. You can contact us to request a complaint form.

SPSO Tel: 0800 377 7330

SPSO Privacy Notice

All prisoners have free and confidential access to our phone number. All calls to us are 'privileged'. This means **the prison do not listen to or record them**.

However, **we may record calls to and from SPSO phone lines** to check the quality of our service and help us do our job to help you. You can find more details in our privacy notice: **www.spsso.org.uk/privacy-notice** or ask us to send you a copy. Please ask if you want to confirm if a call is or is not being recorded or if you would like to know what options may be available to you if you do not wish to be recorded.

We are committed to protecting your privacy. We use information given to us about you and your complaint for its intended purpose and in line with the Data Protection Act 2018 and the SPSO Act 2002. To find out more about how we handle your information and your rights, see our website **www.spsso.org.uk/privacy-notice** or ask us for a copy.