

SPSO decision report



Case: 202401074, Scottish Prison Service
Sector: Prisons
Subject: Access to medical care / treatment
Decision: upheld, recommendations

Summary

C complained that the Scottish Prison Service (SPS) failed to take reasonable steps to ensure that they had prompt access to medical attention. C stopped taking prescribed medication after experiencing side effects and submitted a request to be seen by a nurse. C was not seen by a nurse during the following two-week period despite their symptoms worsening. C was then informed that they would be seen by a nurse that day but this did not happen. C raised this with prison staff who advised a call had been placed to NHS 24 instead, given healthcare staff were no longer available. C was later informed the call had been ended due to the expected wait time.

In response to C's complaint, the SPS said that the correct procedure had been followed by staff in attempting to call NHS 24. However, it was recognised alternative arrangements could have been made to facilitate the call.

We found that it was unclear whether C's request for medical attention was communicated properly by SPS to healthcare staff. Whilst a reasonable attempt was made to contact NHS 24, and the SPS acknowledged the call could have been facilitated despite the wait time, the SPS did not explain what action had been taken to remedy matters. While there appeared to have been a protocol in place for such situations, it was not clear that prison staff were aware of this.

C also complained that the SPS failed to handle their complaint reasonably. We found that the SPS' handling of the complaint was poor because not all of the issues raised by C were responded to and they did not communicate what remedial action was taken. The SPS also failed to provide accurate information in response to our initial enquiries. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to take reasonable steps to ensure they were given access to appropriate medical attention. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- The SPS should ensure it handles complaints in line with Part 12 of the Prison Rules and the SPSO Statement of Complaints Handling Principles.

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.