

SPSO decision report



Case: 201003798, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: security; control and progression; assessment
Outcome: not upheld, no recommendations

Summary

Mr C complained that the prison unreasonably delayed in assessing him for offending behaviour programmes. He said that he was concerned this would hold him back from progressing to the Open Estate when he becomes eligible.

Mr C raised his concerns about delays with SPS officials. He was told that, due to current demand and his critical dates, they could not assess him at that time, but that he would be considered for assessment as soon as possible during the next phase. When this did not happen Mr C complained using the prison complaints process. When we investigated the reasons for delay, the SPS told us that although Mr C had been told that he could attend a particular phase of courses, there had been an influx of new prisoners. This created a backlog of assessments, which meant that he would not receive an assessment or its outcome for five months. The SPS also told us that many prisoners had expressed frustrations about such delays. They said they were reviewing the current system and taking steps to try to improve it. There are no legal requirements or targets about prisoners gaining access to programmes. However, when investigating a previous complaint, the Ombudsman had recommended that the prison communicate timescales to individual prisoners on when they could expect to access similar programmes.

The SPS have a duty to assess prisoners within a reasonable timeframe and have acknowledged that there are problems with the systems in place for dealing with this. However, they were taking steps to address this, explained the reasons for the delays to Mr C and provided an assurance about the time by when he will be assessed. We took the view that this was reasonable in the circumstances.