

SPSO decision report

Case: 201003905, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: some upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) had not told him why he was not allowed to progress to enhanced conditions when he believed he met the relevant criteria.

It is not for us to decide whether prisoners should progress to enhanced conditions. Such decisions are discretionary matters and are for the SPS and local management to take. It is for them to decide what information is important. What we have to determine is whether they have followed the proper processes and procedures and, where appropriate, explained the application of them to prisoners.

We found that Mr C was not in fact told that he was not being allowed to progress, or the reasons for this, until he made a complaint. Prisoners should not have to make a complaint to obtain this information. They should be informed promptly of the decision and the reasons for it. We, therefore, upheld this complaint.

Mr C also complained that his disability was not taken into account when the decision was made to transfer him to another prison. We did not uphold this complaint as we found that the SPS had carried out risk assessments before transferring him.

Recommendation

We recommended that the SPS:

- ensure that their new guidance on progression clearly states that prisoners should be informed promptly of the decision and reasons if their progression is not approved.