

Case: 201100266, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: unescorted leave
Outcome: not upheld, recommendations

Summary

Mr C was unhappy that he was recalled to prison shortly after starting a period of home leave. He was told that he had breached a condition of the licence under which he was granted the leave. Mr C said that this condition had been added to the licence four days after he signed it. He said that he was not aware of the condition.

We found that the condition had been added to the licence after Mr C signed it. However, the licence the prison service gave him before he was released included the condition. We considered that there was an onus on Mr C to ensure that he was aware of the conditions on the licence. It was also clear from the evidence that he did in fact breach the condition. The prison service were correct to say that he had done so.

Mr C also complained that the prison service subsequently wrongly denied him home detention curfew. The prison service's guidance on home detention curfew states that they should take the fact that a prisoner has failed to comply with a previous licence into account when they are completing the risk assessment for this. There was no evidence of any administrative error by the prison service in reaching their decision. We did not, therefore, uphold this complaint.

Recommendation

We recommended that the SPS:

- ensure that prisoners are asked to sign to confirm that they have been notified of any conditions that are added to a temporary release licence.