

## SPSO decision report

**Case:** 201200718, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** special escorted leave  
**Outcome:** upheld, recommendations

### Summary

Mr C, who is a prisoner, complained that the Scottish Prison Service (SPS) failed to make appropriate arrangements for him to attend his brother's funeral. In replying to his complaint, the SPS said that they had been told that the funeral was on a particular day, and that they had booked an escort to take him to the funeral on that day. They said that Mr C had later told them that the funeral was the day before, but as he only told them this on the morning of the funeral they were unable to arrange an escort for him to attend.

The prison rules are clear - they say that the governor of a prison may grant escorted day absence for a prisoner to attend the funeral of a near relative on the written application of the prisoner, providing the governor is satisfied that the purpose of the application is genuine and appropriate. During our investigation, the SPS sent us evidence that indicated that they might have received the wrong information about the day of the funeral from Mr C's family. However, there was no evidence that Mr C was asked to make a written application for escorted day absence in line with the prison rules. We found that the problem might have been prevented and that he might have been able to attend his brother's funeral had he been asked to submit a written application.

### Recommendations

We recommended that the Scottish Prison Service:

- take steps to ensure that the procedure for granting escorted day absence is in line with the prison rules and the relevant Direction by Scottish Ministers; and
- apologise to Mr C for the failure to adhere to the prison rules on escorted day absence in relation to his brother's funeral.