

## SPSO decision report

**Case:** 201200993, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** progression  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, complained about the way the prison were managing him. Mr C said he was a short-term prisoner but the prison were managing him as a long-term prisoner. Mr C also said he had been inappropriately subjected to a generic assessment which was normally only carried out on long-term prisoners. A generic assessment identifies whether or not a prisoner should participate in offending behaviour programmes.

Our enquiries with the prison confirmed that Mr C was sentenced to four years and four months in prison. In line with the Scottish Prison Service (SPS)' normal policy, those sentenced to four years or more are classed as long-term prisoners and those sentenced to four years or less as short-term prisoners. Mr C was released from prison after serving half of his sentence but was then recalled to custody to serve the remainder of his sentence. Because Mr C's original sentence was more than four years, he was again managed by SPS as a long-term prisoner when he returned to prison. Mr C's situation was complicated by the fact that before his original sentence expired he was sentenced to a further six months and 32 months. That meant that when his original sentence expired, Mr C then became a short-term prisoner. In relation to the generic assessment, the relevant guidance confirmed that a prisoner can be the subject of a generic assessment if it appears that their level of risk of reoffending indicates that they would benefit from completing offending behaviour programmes. The prison also told us that Mr C consented to being generically assessed.

In light of the evidence available, we did not uphold Mr C's complaint and we were satisfied that he was being managed appropriately by the prison.