

SPSO decision report

Case: 201201815, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: behaviour related programmes (including access to)
Outcome: some upheld, action taken by body to remedy, recommendations

Summary

Mr C, who is a prisoner, complained that a prison officer inappropriately passed information about him to another prisoner. Mr C said that, as a result of this, he was assaulted and had to move to an alternative house block (prison accommodation). In addition, Mr C complained that he was being unreasonably denied the opportunity to participate in the substance related offending behaviour programme (SROBP). He said this was because he had been moved to a house block that did not facilitate it.

Our investigation found that the prison had conducted an exercise to try and reduce the number of prisoners who were to be kept away from other identified individuals. Mr C was noted as needing to be kept separate from another prisoner and, because of that, the prison interviewed both Mr C and the other prisoner to determine whether any issues still existed between them. The prison were unable to confirm whether or not the prison officer who conducted the interviews shared Mr C's name with the other prisoner.

The evidence available to us suggested that as a result of the prison conducting this exercise, Mr C was assaulted and had to be moved to another house block. We, therefore, accepted that the carrying out of that exercise impacted negatively on Mr C. Although we accepted the difficulties faced by the prison in trying to manage prisoners identified as requiring separation from others, such as the impact upon staff resources, the movement of prisoners and the overall security of the prison, we also recognised that conducting such an exercise carries a risk to the safety of individual prisoners. We therefore, felt it appropriate that risk assessments should take place before conducting such exercises. Although we could not determine exactly what happened in Mr C's case, we upheld his complaint and made a recommendation.

In relation to Mr C's second complaint about access to the SROBP, our investigation found that the prison had offered to transfer Mr C to a different house block or to a different prison where he could participate in the SROBP but Mr C had refused the offer. We concluded that the prison had offered Mr C alternatives to allow him to participate in the programme and, therefore, did not uphold this part of his complaint.

Recommendations

We recommended that Scottish Prison Service:

- review the current practice in place in relation to conducting the exercise referred to in this complaint with a view to assessing whether steps can be taken to minimise the risk to individual prisoners and issue appropriate guidance to staff.