

SPSO decision report

Case: 201204088, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: behaviour related programmes (including access to)
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that he was unreasonably denied access to offending behaviour programmes that he had been identified for. Mr C is serving a life sentence and the punishment part of his sentence expires in late 2017. Mr C said that the earliest that he could hope to progress to less secure prison conditions was late 2013, but that he would be unable to progress because he had not been given access to the relevant offending behaviour programmes.

The prison told us that life sentence prisoners' entry onto the programme Mr C was waiting to access is prioritised by the expiry date of the punishment part of their sentence. In Mr C's case, this was more than four years away. In addition, Scottish Prison Service guidance on the management of life sentence prisoners describes a four year 'preparation for release' phase, and this can start no more than four years before the expiry of the punishment element of the sentence. The guidance, however, confirms that the four year release phase describes the best case scenario and that other factors can affect the timing of this. One of those factors is a prisoner's participation in offending behaviour programmes. In addition, the guidance says that, following the expiry of the punishment element of the sentence, Scottish Ministers would not necessarily insist that a life sentence prisoner complete the full four year release phase.

We were satisfied the prison were prioritising Mr C's access to his identified programmes in line with the relevant policy and it was clear there was still enough time remaining for him to access the programmes. Because of that, we did not uphold his complaint.