

SPSO decision report

Case: 201204353, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: behaviour related programmes (including access to)
Outcome: not upheld, no recommendations

Summary

The programmes case management board (PCMB) is a group of prison staff who decide in which offending behaviour programmes a prisoner should participate. Mr C, who is a prisoner, complained that communication of the PCMB's decision that he should take part in the Controlling Anger and Regulating Emotions (CARE) programme was unreasonable. In particular, he said that in responding to his complaint, the internal complaints committee (ICC)'s written response contained inaccurate information; the head of psychology had provided inconsistent information; and he had not been provided with a copy of a minute from the PCMB's discussion.

In investigating Mr C's complaint, we found that the inaccurate information from the ICC had been the result of a typing error. We were satisfied that their investigation of Mr C's complaint was correct and based on information from him. On the information provided by the head of psychology, Mr C said he felt this was contradictory. However, our investigation found that there was sufficient evidence available to the PCMB to support their decision. We noted that the final decision on whether or not a prisoner is required to participate in a programme lies with the PCMB and we cannot question that decision.

Finally, we also looked at Mr C's concern that he had not been provided with a copy of a minute from the PCMB's discussion. The prison advised us that when the PCMB initially considered Mr C's case in December 2011, they decided that he should participate in three programmes. The discussion was minuted, and Mr C received a copy. He completed the first programme and went on to complete the second. Following that, the PCMB met again in December 2012. They discussed Mr C's participation in the second programme, and decided that he would still be required to participate in CARE. The prison said this meeting did not need to be minuted as the PCMB's decision that Mr C would be required to participate in CARE was originally communicated to him in December 2011. Instead, the outcome was recorded on Mr C's electronic prison record and the outcome communicated to him. In light of that, and the information obtained from our investigation, we did not uphold Mr C's complaint.