

SPSO decision report

Case: 201303338, 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, was identified as needing to participate in programmes before he could be considered for access to less secure prison conditions. He complained to us because he felt the prison had failed to adequately prepare him for progression because the date on which he became eligible for consideration for this had passed by over a year.

The Scottish Prison Service (SPS) risk management and progression guidance confirms that prisoners serving a longer sentence, such as Mr C, may be eligible for consideration for transfer to open conditions from up to two years before their parole qualifying date, providing they meet the relevant criteria. In Mr C's case, that meant he might have been eligible for consideration to progress to less secure conditions after serving eight months of his sentence. However, the qualifying criteria confirm that a prisoner should have no outstanding programmes to complete and their progression needs to be approved by the risk management team. SPS guidance on how prisoners should be allocated programme spaces confirms that long-term prisoners should be allocated a space according to their parole qualifying date.

The SPS explained that Mr C had been identified as needing to complete two programmes, and was placed on the relevant waiting lists according to his parole qualifying date, in line with the normal process. They confirmed that Mr C had now completed both programmes, and that his final report was being prepared. There were, however, a number of factors impacting upon the prison's ability to complete reports, including staff shortages. After the report was available, the programmes case management board would consider Mr C's case and decide whether he had any further programme needs before the risk management team considered his progression application.

The evidence available confirmed that the SPS were preparing Mr C for progression to less secure conditions in line with their normal process. Although this was not happening as quickly as Mr C hoped, because they were correctly following their process we did not uphold his complaint.