

SPSO decision report

Case: 201403651, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: home detention
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained about the way his application for home detention was dealt with. He told us that the decision was based on outdated information about him. He said that a member of staff involved with the application was a former neighbour. We found that the Scottish Prison Service (SPS) were entitled to take into account information about Mr C's past history. We found that the issue of conflict of interest had been considered and had been dismissed because the person concerned was not involved in decision-making. However, whilst the SPS had explained this to Mr C they had not kept a proper record of the conversation and had not explained it in writing to Mr C.

Mr C told us that the proper process had not been followed in dealing with his appeals. We agreed in reviewing the case that Mr C's appeals had not been logged or responded to in the way they should have. We found that the original reason given to Mr C for the refusal of home detention was incorrect and, in effect, encouraged him to make a new application from a different address which had no prospect of being approved. We upheld this aspect of Mr C's complaint, but as the SPS had accepted their failings and had taken steps taken to address the issues directly with the members of staff concerned, we did not make any recommendations.