

## SPSO decision report

**Case:** 201405772, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** downgrading  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that his prison did not give him written notice explaining why he was being removed from his work placement. Mr C also complained that his prison did not use evidence in their decision to place him in secure conditions, did not follow the risk management process, and did not follow the process for reviewing his supervision level.

We found that the Scottish Prison Service (SPS) were not required to give Mr C notice that he was being recalled from placement because, in fact, Mr C was not recalled; rather, his placement had finished. In addition, the prison rules did not require notice to be given; rather, it specified that a written explanation should be provided which, because Mr C was not recalled, did not apply in this case.

In terms of the evidence used to put Mr C in secure conditions, we were satisfied that the SPS acted in line with their procedures. The SPS were allowed to evaluate changes in a prisoner's circumstances or behaviour, using information gathered from relevant sources, to help them consider if a prisoner posed a threat to the security or good order of the prison. We also found that the SPS followed the risk management process and the process for reviewing his supervision level. We did not uphold Mr C's complaints.