

## SPSO decision report

**Case:** 201407466, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** progression  
**Outcome:** not upheld, no recommendations

### Summary

Ms C complained that there had been an unreasonable delay in progressing her brother (Mr A) to less secure conditions.

We obtained information from the Scottish Prison Service (SPS) about Mr A's case and we reviewed the relevant policies in place. We found that Mr A had been asked to participate in an assessment process on more than one occasion but he had refused. He finally took part in the process, and the information gathered was discussed. Following that, it was decided that Mr A needed to participate in a programme to address his offending needs. However, Mr A maintained his innocence and denied the offences he had been convicted of. Therefore, the SPS placed him on the programme's waiting list because he was not ready to engage with it.

The SPS recognised that Mr A denied the offences for which he had been convicted. However, Mr A had been convicted of his offences and had to be managed on that basis. The SPS has a role to reduce the risk an individual is assessed as presenting, which they do by giving prisoners the opportunity to participate in relevant programmes. The SPS are also authorised to refuse to progress individual prisoners to less secure conditions if they do not consider that the individual has addressed their offending needs as much as possible. In Mr A's case, the evidence showed that the SPS took account of various assessments which showed that he posed a risk. Because of that, they concluded that he needed to reconsider participating on the identified programme if he wanted to progress.

We found no evidence to suggest that there had been an unreasonable delay in progressing Mr A to less secure conditions. Therefore, we did not uphold the complaint.