

## SPSO decision report

**Case:** 201607397, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** progression  
**Decision:** some upheld, recommendations

### Summary

Mr C complained about the way that the Scottish Prison Service (SPS) managed his prison sentence. Specifically, he complained about a delay in referring him back to the risk management team (RMT) to consider his suitability for progression to less secure conditions. Mr C was not referred back to the RMT until around two months after the planned date. The reason for this was that the RMT required his home leave report but this was not complete, as there had been a delay in the SPS sending it to social work for comment. The SPS explained that this was because Mr C's personal officer chose to wait on the outcome of Mr C's parole hearing, when in fact the home leave report should have been sent six weeks prior to completion of his management plan, which was completed ahead of his parole hearing. The SPS had already acknowledged and apologised for the inappropriate delay in referring Mr C back to the RMT. We agreed that this delay had potentially delayed Mr C's progression to less secure conditions by around two months. We upheld this aspect of the complaint.

Mr C also complained that the SPS failed to respond to his complaint within the timescales laid down in the prison rules. These allow 20 working days for a written response to be issued but, in Mr C's case, the response was delayed by over two weeks beyond this timeframe. We upheld this aspect of the complaint.

Mr C subsequently made an additional complaint directly to the prison governor, via the confidential complaints process. The governor did not investigate the matter as they did not consider the subject of the complaint to be confidential in nature. Mr C complained to us that the governor unreasonably refused to accept his confidential complaint. We noted that this was a matter for the governor's discretion. In any event, we considered that the governor had already arranged to have the subject of the complaint appropriately considered when it was brought to their attention via Mr C's previous (non-confidential) complaint. We did not uphold this aspect of Mr C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the delay in responding to his complaint.

What we said should change to put things right in future:

- Home leave reports should be submitted to social work in a timely manner.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.