

## SPSO decision report

**Case:** 201910975, Scottish Prison Service  
**Sector:** Prisons  
**Subject:** Escorted day absence  
**Decision:** upheld, recommendations

### Summary

C submitted an application for an escorted day absence (EDA) to visit their parent who is unable to leave home or travel because of poor mental health. The prison refused C's application on the basis that there were no exceptional circumstances in which to support the visit. C was offered the option of being transferred to another prison for the purpose of receiving a visit from their parent.

In complaining to this office, C said that the prison had not given clear reasons why their request had been refused, or why they considered there were no exceptional circumstances to support the application.

According to the relevant legislation prison governors and directors have the discretion to grant an EDA application if satisfied that the purpose of the application is genuine and appropriate; this office cannot challenge this discretion. However, even where there is discretion, such decisions must be based on the available evidence, and decisions should be clear and well explained.

We found that the prison failed to properly consider the facts presented in C's application. We also found that there was a failure to properly and fully explain the reasons for the decision taken to refuse C's application. As such, we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to appropriately consider their application for escorted day absence. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- Review C's application again and communicate the outcome clearly and properly explaining the reasons for the decision reached.

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.