

**Case:** 201100329, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** release of a prisoner  
**Outcome:** some upheld, action taken by body to remedy, no recommendations

### Summary

Mr C, who is a prisoner, complained because he said the SPS calculated his liberation date (the date he would automatically be released) incorrectly. Mr C said he was sentenced in Scotland and then transferred to England to be sentenced on a separate charge. Whilst in England, Mr C said he was told he would be released in 2013. However, when Mr C returned to Scotland he was told he would not be released until 2014.

Our enquiries confirmed that Mr C's liberation date had been calculated properly, but differently, by both the SPS and the Prison Service in England. The reason for the difference is that both authorities operate different sentencing policies and, therefore, calculate prisoner sentences differently. In England, a prisoner serving a sentence of a year or more will serve half their sentence in prison and serve the rest of the sentence in the community on licence. This is called half remission. In Scotland, a prisoner serving a sentence of four years or more will automatically be released after serving two thirds of their sentence - this date is called the earliest date of liberation (EDL) and is the date Mr C complained about. However, prior to a prisoner's EDL, they would become eligible for parole after serving half of their sentence – this date is called the parole qualifying date.

We were satisfied the SPS had calculated Mr C's liberation date properly and, therefore, we did not uphold his complaint.