

SPSO decision report

Case: 201100331, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: not upheld, no recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) ignored recommendations made by the parole board that he be progressed immediately to the Open Estate. He also complained that the SPS failed to adhere to his management plan by not submitting an application for his First Grant of Temporary Release.

The SPS advised us that, in cases where the parole board do not direct the release of a prisoner, the SPS invite them to make recommendations. However, the parole board's recommendations are not binding on the SPS. The evidence showed that the SPS duly considered the parole board's recommendations, but concluded that Mr C continued to present a high risk and decided not to support progression to the Open Estate. This was a discretionary decision for the SPS to take. As the evidence demonstrated that the parole board's recommendations were not ignored, we did not uphold this complaint.

With regards to the application for Mr C's First Grant of Temporary Release, the evidence demonstrated that this was also duly considered by the SPS. However, due to problems identifying a suitable address for Mr C's home leave, this was not submitted for Ministerial approval. Again, as the application was duly considered and not progressed for valid reasons, we did not uphold this complaint.