

## SPSO decision report

**Case:** 201201410, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, submitted a request to be transferred to another European country to serve the remainder of his sentence. He complained that there had been an unreasonable delay in progressing his application.

Our investigation found that the evidence showed that the Scottish Prison Service (SPS) sent Mr C's application and the required documentation to the relevant European authority in April 2011. When they heard nothing after four months, they contacted the authority again and there was correspondence between them about what was needed to effect the transfer. More recently, however, the SPS had tried several times to contact the authority to try to progress Mr C's application, but had received no response. Mr C is not a national of the country involved, and because of that the Convention on the Transfer of Sentenced Persons (international guidance on transferring prisoners to their home countries) does not apply in his case. This meant that there was little more the SPS could do to progress this.

We recognised that Mr C's application had been ongoing for some time but found that the SPS had been taking steps to try and progress matters, despite there being no obligation on them to do so. In light of this information, we did not uphold Mr C's complaint.