

SPSO decision report

Case: 201201828, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that the programmes case management board (PCMB) inappropriately considered historical information relating to his offending behaviour before deciding that he should participate in the violence prevention programme and the substance related offending behaviour programme. The PCMB are responsible for deciding what programmes individual prisoners should participate in.

In investigating this complaint, we reviewed all the information considered by the PCMB before they reached their decision. Before the PCMB will consider what programmes a prisoner should participate in, the prisoner is first generically assessed. We also reviewed the Scottish Prison Service (SPS) generic assessment guidance manual, which provides guidance to prison staff involved in the assessment process.

We did not uphold Mr C's complaints. In deciding that he should participate in these programmes, the PCMB took a discretionary decision (a decision that they were entitled to make). We cannot question such a decision unless there is evidence of poor administration in taking it. Having reviewed all of the evidence available in Mr C's case, we were satisfied that the information the PCMB considered about him was appropriate and relevant. It was also clear from the information in the SPS manual that the PCMB were entitled to consider the information they did.

In addition, Mr C complained that the SPS inappropriately ignored recommendations of the parole board for England and Wales. We found that parole boards (in both England and Wales and Scotland) cannot tell the SPS how to manage a prisoner, although they can make recommendations about an individual prisoner's sentence management. The management of prisoners is the direct responsibility of the SPS.