

SPSO decision report

Case: 201202688, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, no recommendations

Summary

Mr C, who is a prisoner, applied to continue his higher education studies. The prison did not support Mr C's application and because of that, it was refused by the higher education access board. (This is the body responsible for considering applications from prisoners who want to access higher education studies.) In bringing his complaint to us, Mr C said the prison failed to follow the relevant guidance when considering his application.

Our investigation found that the prison only had resources available to support eight applications from prisoners, but had received 21. Because of that, they put in place criteria to help decide which applications to support. In particular, they decided to give priority to prisoners who had not accessed education before, and to those nearing the completion of their studies. Neither of these criteria applied in Mr C's case and, because of that, the prison did not support his application. We found that the relevant guidance gives the prison discretion to make such decisions. We were satisfied that because they received more applications than they could resource, the prison could apply their own discretionary criteria to determine which applications to support. We found their sifting criteria to be fair and reasonable and because of that, we did not uphold Mr C's complaint.

In addition, Mr C complained that there was an unreasonable delay in complaints handling. Prisoners should be able to progress their complaint through the prison complaints procedure within 25 days - Mr C's complaint took just under 50 days. We agreed that this was an unreasonably long time and because of that, we upheld this element of his complaint. However, as we were satisfied that the delay in progressing his complaint did not interfere with his appeal against the decision, which is a separate process, we made no recommendation.