

SPSO decision report

Case: 201203355, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: upheld, recommendations

Summary

Mr C, who is a prisoner, complained that there was an unreasonable delay in the prison referring him for a generic assessment (which identifies whether or not a prisoner should participate in offending behaviour programmes). In Mr C's case, in January 2012 the risk management team (RMT) considered whether he was suitable for progression to less secure prison conditions. They decided that he was not but said that he would be considered again at a later date. In November that year, another RMT considered Mr C's progression and again did not support this. However, the RMT said he should be referred for a generic assessment. Mr C complained that there was an unreasonable delay in the prison identifying him for that assessment.

The decision on whether to refer a prisoner for a generic assessment is a decision the prison is entitled to take. We cannot question a decision like that unless there is evidence of poor administration. In investigating Mr C's complaint, we found that the information available to the RMT in January was the same as that available in November. We recognised that members of both RMTs may have been different, but considered that Mr C could have been referred for a generic assessment in January. We took the view that the RMT unreasonably failed to exercise its discretion in January 2012 by not identifying Mr C for a generic assessment at that time. Because of this, we agreed that there was an unreasonable delay in referring him and upheld his complaint.

Recommendations

We recommended that the Scottish Prison Service:

- remind RMT members of the importance of identifying within a reasonable timescale the steps individual prisoners will be required to take in an effort to prepare for progression to less secure conditions.