

SPSO decision report

Case: 201203770, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: transfer to another prison
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that, when he failed to return to prison after being out on a period of home leave, he was placed in closed prison conditions rather than his usual open conditions.

It is for the Scottish Prison Service (SPS), not us, to take decisions on the management and risk assessment of prisoners. Our role in this case was to consider whether the SPS had acted in line with their procedures and practices. In this case, we were satisfied that they had done so. For example, it was clear that consideration was given to Mr C's behaviour history on previous home leave periods and his behaviour at the time in question, before deciding that he should not be returned to open prison conditions. They also kept him reasonably informed about what was happening. The SPS did make one error, in not giving Mr C the chance to comment on the report of the incident after interviewing him. However, on realising the error, they apologised to him, gave him the chance to comment, and took action to help avoid a recurrence. On balance, we were satisfied that the SPS acted appropriately.