

SPSO decision report

Case: 201204817, **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 Scottish Prison Service (SPS) refused to progress him to open conditions (less secure prison conditions). He felt that, in arriving at their decision, the SPS had not clarified his situation and taken account of relevant information.

He explained that he was on strong prescription medication and that prison staff had misinterpreted the side effects of this and placed him on report for illegal substance abuse. The charge was dismissed at a disciplinary hearing, when Mr C admitted having taken old prescription medication prescribed to him two months earlier. He complained that the charge was taken into account when deciding to refuse his progression, although it was dismissed.

We asked the SPS to confirm what steps they took to clarify Mr C's situation. They told us that they liaised with healthcare staff and it was acknowledged that Mr C had admitted taking medication from an old prescription. They advised that prisoners are not permitted to hold on to old medication and that it should have been disposed of. In light of this, and taking into account other issues from Mr C's history, they had decided he should not be progressed to open conditions at that time.

We were satisfied that the SPS took appropriate steps to clarify the position with the health centre. We also considered it reasonable for them to have taken into account relevant information flowing from the disciplinary hearing, even though the charge was dismissed. The decision to refuse progression was a decision the SPS were entitled to take and we saw nothing wrong in the process they followed in arriving at that decision.