

SPSO decision report

Case: 201205279, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that he was unreasonably refused access to the special escorted leave (SEL) scheme. Under the scheme, an eligible prisoner can be authorised leave of absence from prison for the purpose of visiting their home for a couple of hours.

Mr C is serving a sentence of twelve years and had been transferred from a closed prison to the national top end facility. (A top end is the half way point between closed prison and open conditions.) Mr C said he had been led to believe that when he arrived there he would be allowed to participate in the SEL scheme. Our investigation found that the Scottish Prison Service (SPS) progression policy says that a prisoner needs to have served four years out of a twelve-year sentence before they become eligible to be considered for transfer to less secure conditions. In Mr C's case, he had only served three and a half years of his sentence, and the SPS accepted, with hindsight, that they should not have accepted him for transfer at that point in his sentence. In addition, one of the criteria in the SPS SEL guidance was that a prisoner must have served at least a third of their sentence, and Mr C had not done that either. Because of those factors, the prison responsible for managing the top end facility explained to Mr C that he had been accepted for progression too early and would not be allowed to participate in the SEL scheme at this time.