

## SPSO decision report

**Case:** 201300527, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** sentence planning  
**Outcome:** upheld, recommendations

### Summary

Mr C, who is a prisoner, progressed to the national top end (NTE) in January 2012. This is a less secure prison facility, to which prisoners can progress before moving to open prison conditions. The risk management team (RMT) there were concerned that Mr C had not been assessed for offence-related programme work prior to his progression. They decided he should be assessed before they made any decisions about his progression. The assessment identified that he should participate in outstanding programme work and because of this, he was returned to a secure prison to complete it. Mr C complained about being returned to a secure prison because he said the RMT there had approved his progression. He could not understand why he was now being asked to participate in further programme work when he had been told that he had completed everything he was required to. Mr C complained to us that the Scottish Prison Service (SPS) failed to manage his progression to the NTE appropriately. He also said the SPS' handling of his complaints was unreasonable.

The SPS introduced their generic assessment process at the end of March 2011. Prisons across Scotland were told they should use that process to assess individual prisoners' needs for suitable programmes. We asked the SPS whether Mr C was assessed by the secure prison before he progressed to the NTE. They said he was not, because the process was not in place there. The evidence we saw confirmed that Mr C should have been assessed and given the opportunity to complete identified programmes before he was progressed to less secure conditions. Because of that, we upheld his complaint.

We also upheld Mr C's complaint about the SPS' handling of his complaints. He submitted a number of complaints to the secure prison, raising the same concerns about his progression and asking for explanations about what had happened. The evidence we saw suggested that the prison only responded to a couple of Mr C's complaints, and did not adequately address the issues he raised. They should have carefully investigated these issues and provided a full and detailed response. Had they done so, this might have prevented Mr C from having to refer his complaint to us.

### Recommendations

We recommended that the SPS:

- apologise to Mr C for the failings identified with the prison's handling of his sentence management; and
- apologise to Mr C for failing to adequately address the complaints he raised about his progression.