

SPSO decision report

Case: 201305142, 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) were failing to progress him in line with the risk management and progression guidance. That guidance outlines the procedures that should be followed by prisons when considering a prisoner for transfer to less secure conditions.

Our investigation found that Mr C is serving a life sentence, with a punishment element that does not end for a number of years. The guidance describes a four-year release phase, which can commence no earlier than four years before the expiry of the prisoner's punishment part. However, the guidance also says that policy describes a 'best case scenario', and that other factors such as a prisoner's supervision level and participation in offending behaviour programmes may affect the time of their release phase. In addition, the SPS have provided guidance to prisons on how to prioritise prisoners' access to offending behaviour programmes. This says that prisoners serving a life sentence will be prioritised depending on when the punishment part of their sentence expires, and we found that Mr C still had over seven years of the punishment part of his sentence to serve. We were satisfied the prison were preparing Mr C for progression to less secure conditions in line with relevant policies and, because of that, we did not uphold his complaint.