

SPSO decision report

Case: 201401299, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: downgrading
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, was downgraded from open prison conditions after an incident, because he was suspected of breaching prison rules. He was placed on a misconduct report and the matter was referred to the police. The police did not take any further action and, ultimately, there was no hearing on the misconduct report. Mr C then complained that in his generic assessment paperwork and his parole dossier the Scottish Prison Services (SPS) referred to both the misconduct report and the related police investigation. He felt it was inappropriate for them to do so because the police did not take any action and he was not found guilty of breaching prison rules.

The SPS confirmed that, following the incident, Mr C was placed on a misconduct report but that the disciplinary hearing to decide whether he was guilty of the charge did not take place. As the police did not conclude their enquiries quickly enough the SPS had been unable to hold the hearing (to decide whether Mr C had breached prison rules) within the relevant timescale. The SPS confirmed that information about the misconduct report had been deleted from Mr C's record. They also explained, however, that despite both these outcomes it was still necessary to refer to the incident that resulted in Mr C being downgraded, to assess his risk and to identify any appropriate interventions to reduce it.

The evidence confirmed that the SPS had referred to both matters in Mr C's records. That information was, however, factual and as such they were entitled to refer to it. We were, therefore, satisfied that their reference to the information was appropriate, and we did not uphold the complaint.