

SPSO decision report

Case: 201404325, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: not upheld, no recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) unreasonably failed to follow the relevant policy when dealing with his progression. In particular, Mr C said he remained in closed conditions six years after the expiry of the punishment part of his sentence when he should have progressed through less secure conditions before reaching open conditions.

In response to Mr C's complaint on the matter, the SPS said they were managing his progression in line with the relevant policies in place. In particular, in relation to those prisoners serving a life sentence, the SPS risk management and progression guidance indicates that a prisoner's preparation-for-release phase can start no earlier than four years before the expiry of the punishment part of their sentence. However, the guidance clearly states that the timing describes the best-case scenario and other factors such as a prisoner's supervision level, conduct in custody, drug test results and participation in offending behaviour programmes may affect the timing of the release phase. In addition, the SPS told us that in Mr C's case, whilst the punishment part of his sentence had expired, he had outstanding programme needs that must be addressed before he could be considered for progression to less secure conditions.

It is clear that the timings described in the guidance set out the best-case scenario and each prisoner's case will be dealt with on its own merits, taking into account their own individual circumstances. The guidance does not suggest there is an automatic progression route for prisoners with fixed timescales. Instead, it sets out a framework within which the SPS can assess the needs of, and risks presented by, individual prisoners. The evidence available in Mr C's case indicated that his progression was being managed by the SPS in line with the relevant policy and we did not uphold his complaint.