

SPSO decision report

Case: 201405601, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: progression
Outcome: upheld, recommendations

Summary

Mr C complained that the Scottish Prison Service (SPS) unreasonably refused to carry out a generic assessment (GA) for him (an assessment of a prisoner to determine what work programmes they should carry out in order to progress from a closed prison to a facility for life sentence prisoners, prior to them moving to open prison). He raised a number of issues, including that the SPS unreasonably refused to carry out a GA until he had signed a document outlining what would be discussed at one-to-one sessions he was required to attend with social work and then attended these sessions. Mr C also complained that the SPS failed to reasonably follow their complaints procedure when dealing with his complaint about the GA.

The SPS said that a GA could not take place until Mr C completed the social work one-to-one sessions, and that these sessions superseded the GA process. However, the SPS were not able to refer this office to any document which stated that this was the case, and the advice from the SPS's senior psychologist at their headquarters was that there was no documentation to support this. The senior psychologist said that work with social work should not negate the need for a GA.

Given concerns raised by the SPS regarding Mr C's co-operation in the social work one-to-one sessions, it did not seem unreasonable that he was asked to sign a document specifying an agreed code of conduct for the sessions. However, as the one-to-one sessions were separate from the GA process, we were critical of the SPS for refusing to carry out a GA until Mr C had signed a code of conduct document and completed the sessions.

We also found that the SPS failed to reasonably follow their complaints procedure, and we considered that their actions prolonged the complaints process unnecessarily in this case.

Recommendations

We recommended that the SPS:

- feed back our decisions on Mr C's two complaints to the staff involved in his case; and
- provide Mr C with a written apology for the failings identified.