

## SPSO decision report

**Case:** 201405793, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained because he said the prison unreasonably refused to progress him to open (lowest security) conditions. Instead, the risk management team (RMT) - the group responsible for considering whether a prisoner is suitable to progress to less secure conditions - decided that Mr C should transfer to the national top end facility before going to open conditions.

Mr C is serving an order for lifelong restriction (OLR) which is a sentence that provides for the lifelong supervision of high risk violent and sexual offenders and allows for a greater degree of intensive supervision to manage the risk that those individuals pose. The guidance which outlines how risk management is dealt with by the Scottish Prison Service confirms that OLR prisoners will normally transfer direct from closed conditions to the open conditions. However, it also confirms that they can go to a national top end facility if they have been placed there on the request of the RMT at the closed prison. In light of this, it was clear the RMT were entitled to take the decision to progress Mr C to national top end before open conditions and because of that, we did not uphold his complaint.

Our investigation did highlight potential issues with the risk management process followed by the prison when dealing with Mr C's application for progression to less secure conditions. In particular, the guidance indicates that an OLR prisoner's progression to less secure conditions should only be approved once their risk management plan has been updated and agreed by the RMT before being approved by the Risk Management Authority (RMA). In Mr C's case, the RMT approved his progression to national top end before the RMA has approved his risk management plan. Therefore, although we did not uphold Mr C's complaint we did make recommendations.

### Recommendations

We recommended that Scottish Prison Service:

- apologise to Mr C for the failings our investigation identified; and
- offer to meet with Mr C to discuss what has happened in his case and provide reassurance that his progression is being dealt with appropriately.