

## SPSO decision report

**Case:** 201407012, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that he was inappropriately released from prison on interim liberation on a Sunday. He also complained that there was an unreasonable delay in assigning his low supervision level and that the handling of his application for early release under the home detention curfew (HDC) scheme was inappropriate.

The Scottish Prison Service (SPS) told us that Mr C was granted interim liberation on the Friday but prison staff only noticed the fax sent by the court on the Sunday. Because of that, there was a delay in releasing Mr C on interim liberation. Therefore, whilst we did not see any evidence to suggest that it was inappropriate to release a prisoner on a Sunday, we did consider that there had been a delay in releasing Mr C on interim liberation so we upheld his complaint.

In addition, the SPS told us Mr C was assigned low supervision level but his computerised record was not updated until a month later. This meant that Mr C was unable to apply for HDC as quickly as he should have been. Therefore, we upheld this complaint.

Finally, Mr C received a letter indicating that his HDC application had been considered in full, but it went on to say that he was not a suitable candidate for early release because further information was required. We asked the SPS why a letter had been issued to Mr C refusing his HDC application but also suggesting that further information was needed. They told us that was normal process. The SPS also said information was missing from Mr C's community assessment report. However, the information they told us was missing was actually available in the report. We agreed that the handling of Mr C's HDC application was inappropriate and upheld the complaint.

### Recommendations

We recommended that the SPS:

- apologise to Mr C for the failings our investigation identified; and
- share our findings with the controllers at the prison and advise us of the steps that will be taken to avoid the same thing from happening again.