

## SPSO decision report

**Case:** 201500206, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** home detention curfew  
**Outcome:** upheld, recommendations

### Summary

Mr C complained about the Scottish Prison Service (SPS) following their refusal of his application to be released under a Home Detention Curfew (HDC). At the first stage of the application process, the decision letter from the SPS stated that his application was refused because the address he had proposed was assessed as being unsuitable. The letter requested an alternative address. Mr C appealed this decision, stating the reasons he felt that the address was suitable. He also provided an alternative address in the event that the decision remained the same.

His appeal was also unsuccessful. The decision letter stated that not only was the address he provided unsuitable, he was also an unsuitable candidate. He attempted to get further information about this decision and to submit a further appeal. However, this was refused, and he was told he had exhausted the appeals process.

In answer to our enquiries, the SPS stated that Mr C had been assessed at the first stage as being an unsuitable candidate for release but that they had failed to communicate this to him. This was because a standard letter had been used that was meant to be used solely when applications were refused due to an unsuitable address. We felt that this meant Mr C had unreasonably been restricted from making a proper appeal of the decision and upheld his complaint.

### Recommendations

We recommended that the SPS:

- apologise to Mr C for the failings identified by our investigation;
- re-assess Mr C's application for release under HDC from the first stage, ensuring that the guidance is followed, and giving clear reasons for the decisions made; and
- provide training to relevant staff on the guidance, with particular focus on communication and recording of decisions.