

SPSO decision report

Case: 201500951, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: downgrading
Outcome: not upheld, no recommendations

Summary

The decision was taken to return Mr C to more secure conditions. This happened when concerns were raised about his appearance after his return to prison from an outside work placement in the community. Mr C complained because he said the proper process was not followed prior to that decision being taken. In particular, Mr C said he was not placed on report for breaching prison rules or his licence conditions. He was also unhappy that a more in-depth drug test was not carried out to prove he had not taken any illicit substances. Mr C also questioned why he had retained his low supervision level after being returned to closed conditions.

There is nothing contained within the prison rules or the relevant guidance to suggest that Mr C should have been placed on report. In addition, the prison used the normal drugs testing processes available to them. The decision to carry out any further testing would have been at the discretion of the Scottish Prison Service (SPS), as was the decision to allow Mr C to retain his low supervision level.

We were satisfied that the process had been followed appropriately by the SPS, and we did not uphold Mr C's complaint.