

## SPSO decision report



**Case:** 201700916, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** progression  
**Decision:** upheld, recommendations

### Summary

Mr C complained that the Scottish Prison Service's (SPS) handling of his sentence management was unreasonable and that this had impacted upon the timing of his progression to open prison (a prison with the minimum of restrictions on prisoners' movements and activities). He said that the SPS had failed to adhere to their management plan, referred to by the Parole Board, and that statements put forward by them explaining why his progression had been delayed, were untrue.

We looked at the fact that SPS did not adhere to the timing of the agreed management plan and whether doing so was unreasonable. We also reflected on the SPS' communication with Mr C in relation to his concerns that his progression was being unreasonably delayed and that he was left feeling confused about what was happening. In setting out their sentence management plan for Mr C with proposed timings, we acknowledged that this will have led to a reasonable expectation from Mr C for that plan to be followed and adhered to. However, the relevant policies and guidance in place make it clear that extenuating factors can affect the timing of agreed sentence management plans. In Mr C's case, the SPS had indicated his risk assessments, the need for an updated home background report and the suitability of his home leave address impacted upon the timing of his progression to open prison. We accepted that agreed management plans could change, however, we also considered the SPS had a responsibility to communicate clearly and accurately with Mr C and to deal effectively and promptly with any concerns and queries he had about his progression and any perceived delays. In addition, we considered the SPS had a responsibility to ensure that proper, full records were kept of important decisions.

In light of the evidence we saw in Mr C's case, we were concerned about aspects of the SPS's handling of his case, particularly in relation to their communication with him. We found that there was failure to provide clarification at an early stage despite Mr C's repeated requests and obvious concern. We noted that Mr C had to raise numerous complaints in an effort to seek clarification and get further information on what was happening in his case. In addition, we believe that the SPS failed to consider whether their own actions were causing Mr C anxiety, confusion and stress which may have been perceived as negative behaviours. We upheld Mr C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failings identified.
- Apologise for the inconsistent and confusing communications and failure to clarify the position clearly and appropriately.

What we said should change to put things right in future:

- Relevant staff should review the case with a view to acknowledging the failures identified and giving an explanation of the learning/action that will be taken to prevent the same thing happening again.

In relation to complaints handling, we recommended:

- Ensure relevant staff undertake SPSO complaint handling e-learning course focusing particularly on the module on bias.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.