

Case: 201003870, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: sentence planning, recall to custody
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained that the SPS failed to carry out an Integrated Case Management (ICM) Recall case conference when he was returned to prison custody in 2008. ICM is a process used by the SPS for prisoner sentence management and case conferences are held to talk about issues and aims individual prisoners might have. A recall case conference happens when a prisoner returns to custody after having been released on licence.

Mr C said that prisoners recalled to custody should receive an ICM recall case conference within six weeks of the return to custody. In Mr C's case, the SPS acknowledged there had been an error and confirmed he did not receive the appropriate case conference when he was returned to custody. Instead Mr C was scheduled for an initial case conference - used for prisoners who are beginning a new sentence. In light of the error highlighted in Mr C's case, the SPS confirmed that they had taken steps to improve the ICM process.

Our enquiries confirmed that guidance on the ICM process says that a recall case conference should be held as soon as possible, but at the latest within 6 weeks after the offender's return to custody. In light of this, and because the SPS did not carry out the appropriate case conference for Mr C, we upheld his complaint. However, we were satisfied that the SPS had already taken proper steps to strengthen the process, and did not make any recommendations.

Mr C also complained that the SPS did not respond to his complaint on the matter. We found that Mr C received a response at each stage of his complaint. We did not uphold this because, although he was unhappy with those responses, the evidence showed the prison took reasonable steps to respond to Mr C's complaint.