

Case: 201005068, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: downgrading
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C, who is a prisoner, was downgraded from the Open Estate and returned to closed conditions. Mr C felt that he had been treated differently from other prisoners and he complained that his downgrade was unfair. The Scottish Prison Service (SPS) told Mr C that because he failed a drug test and was found with money that he was not entitled to have, he was unsuitable for open conditions and this is why he was downgraded.

In investigating Mr C's complaint, our office was satisfied that the SPS had taken the decision to downgrade Mr C after careful consideration of all relevant information and this was a discretionary decision for the SPS to take. We did not uphold Mr C's complaint.

Mr C also complained about the SPS's handling of his complaint. In particular, he complained because his complaints form was not returned to him by the Internal Complaints Committee (ICC) and because of this, he was unable to progress his complaint to the next stage.

Our enquiries confirmed that Mr C's complaint form was filed away with the ICC records in error. Mr C's form was only returned to him after he complained about the form not being returned to him from the ICC. However, the SPS acknowledged the error and apologised to Mr C for this. Because Mr C's complaint form was not returned to him, we upheld his complaint but we did not ask for any further action to be taken because of the apology already provided by the SPS to Mr C.