

SPSO decision report

Case: 201100947, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: home detention curfew
Outcome: not upheld, no recommendations

Summary

Mr C complained that the Scottish Prison Service's (SPS) decision to refuse him home detention curfew (HDC) on health grounds was unfair. He was told by the prison that his request had been refused because he had been recalled to prison in the past and, therefore, he fell within one of the statutory exclusions for HDC.

In investigating the complaint, we considered the relevant SPS guidance and legislation. The guidance on HDC explained that some prisoners are excluded from release on HDC by law (called the 'statutory exclusions'). One of the statutory exclusions is for 'prisoners who have previously been recalled to prison having been released on licence'.

Mr C told us that he had been recalled to prison in the past. In light of this, we did not see any evidence to suggest that the SPS's decision was unreasonable or their explanation incorrect.